
Appeal Decision

Site visit made on 16 May 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2023

Appeal Ref: APP/N1540/W/22/3304971

Land off Ployters Road, Kingsmoor, Harlow CM18 7QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison 3G UK Limited, against the decision of Harlow Council.
 - The application Ref HW/PNT/22/00213, dated 19 May 2022, was refused by notice dated 13 July 2022.
 - The development proposed is the installation of a new 16m monopole tower to support antenna, associated radio-equipment housing and ancillary development.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a new 16m monopole to support antenna, associated radio-equipment housing and ancillary development on land off Ployters Road, Kingsmoor, Harlow CM18 7QB in accordance with the terms of the application, Ref HW/PNT/22/00213, dated 19 May 2022, and the plans and documents submitted with it including: drawing title: 002 site location plan, 215 proposed site plan, 265 proposed site elevation and the site specific supplementary information.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require that regard be had to the development plan. Nevertheless, I have had regard to the relevant policies in the Harlow Local Development Plan 2020 and the National Planning Policy Framework 2021 (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site comprises part of a wide grass verge on the eastern side of Ployters Road. The verge contains a bus shelter, street lighting columns, a bin and various utility equipment cabinets. A tree belt along the edge of the verge screens the large commercial units beyond. On the opposite side of the wide road there is an area of open space and houses, which have only their flank walls and small side windows facing the site. As such nearby residents would not have close or direct views of the proposal that would harm their outlook.
6. It is proposed to site the new monopole, together with its wrap around base cabinet and 3 further cabinets, in from the footpath. The rear of the cabinets would face the footpath and a row of paving slabs would be located to the front of them, enabling access without obstructing the footpath.
7. Whilst green cabinets, to match the bus shelter and other equipment cabinets in this area, would have blended in better with the grass verge and landscaped backdrop, the proposed grey finish of the monopole and cabinets reflects the colour of streetlighting columns, traffic signs and commercial buildings in the immediate area.
8. The cabinets would be larger than others in this area and the monopole would be taller than the streetlights, trees and buildings surrounding it. However, the antenna must be higher than surrounding trees and buildings for operational reasons. Despite the supporting monopole being wider than adjacent streetlights, it would be of slender design. Given its set back from the footway, the presence of various other vertical structures and cabinets, and the backdrop of trees and commercial buildings, the proposal would not appear incongruous. Accordingly, it is not necessary for me to consider whether or not there are any other suitable alternative sites available to accommodate this development.
9. I therefore conclude that the siting and appearance of the proposal would not result in harm to the character and appearance of the area. Consequently, it would accord with policies PL1, IN4 and IN5 of the Harlow Local Development Plan 2020, insofar as they are a material consideration, to the siting and appearance of the proposed development. These policies seek, amongst other things, to ensure that new development takes account of local character and context and that any adverse impacts of broadband and telecommunications infrastructure on the natural and built environment are minimised. The proposal would also comply with the Framework, which recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and well-being, and supports new sites where equipment is sympathetically designed.

Other Matters

10. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be

justified. There is also no sufficiently authoritative evidence before me to suggest that pacemakers are affected by telecommunications equipment.

11. With regard to concerns raised about the proximity of the proposal to local schools and nurseries, I note that these were consulted by the developer, prior to the submission of the application, and that no comments or objections were received. Concerns in relation to property values are private interests and not considerations for the planning system.

Conditions

12. Any planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

R Bartlett

INSPECTOR