



Appeal Decision

Site visit made on 13 June 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2023

Appeal Ref: APP/N1920/W/22/3310629

Bournehall Road Streetworks, Bournehall Road, Bushey, Bushey Heath, Hertsmere WD23 3EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 CK Hutchison Networks (UK) Ltd against the decision of Hertsmere Borough Council.
 - The application Ref 22/1471/PD56O, dated 21 August 2022, was refused by notice dated 12 October 2022.
 - The development proposed is telecommunications installation: Proposed 15.0m Phase 9 slimline Monopole and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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 regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are:
 - the effect of the siting and appearance of the proposal on the character and appearance of the area, having particular regard to the setting of the Bushy High Street Conservation Area and adjacent Locally Listed Building; and,
 - if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

Character and appearance

5. The appeal site is located on the corner of High Street and Bournehall Road. High Street is predominantly commercial with Bournehall Road being residential. The appeal site is a corner plot with a particularly wide footpath and grass verge, which is where the proposal would be located. Behind the appeal site is a large communal garden separated by a low brick wall, which combined with the wide footpath gives the area a distinctively open character and appearance.
6. There is street furniture within proximity to the site, including a mast, signage and lampposts. While it may be the case that the mast cannot be any shorter than proposed for technical reasons, it would be taller than other street furniture and also stand taller than the buildings nearby. It would also be wider than the lampposts and other street furniture despite its slimline design.
7. Regarding the existing mast, this is not located on such a prominent open corner and is instead viewed in context with other vertical street furniture which is more prominent when looking East. The appeal proposal would not be seen in the same context, instead there is a lack of vertical street furniture along Bournehall Road and on the same side of High Street as you look West. As such, due to the distinctly open character and appearance of the site, the proposal would stand out as an overly dominant and obtrusive feature on the street scene.
8. The proposal also includes a number of cabinets that would be arrayed along the verge. These would add clutter to the street scene and contribute to the overall dominance of the proposal. The appellant has suggested that these could be installed under permitted development rights. However, there is no evidence to suggest this would occur without the mast. As such, this does not constitute a realistic fallback position. I must also consider the effect of the development as a whole and the cabinets would add to the harm caused.
9. The appellant refers to the screening of the site by trees however these would only provide screening from the care home located immediately in front of the site. High Street is generally free from any trees and therefore allows for open views along the road.
10. The Bushy High Street Conservation Area (CA) is located on the opposite side of the road. The Council's CA appraisal¹ outlines the commercial, linear nature of the area, including important historic buildings that remain with particular reference to those on prominent corner plots. It also refers to street clutter within this area being considered to be a negative feature.
11. 128 Bushy High Street, which is located immediately opposite the appeal site and within the CA, is a locally listed building. This appears as a smart, commercial building in the red-brick, neo-Georgian vernacular, popular with provincial banks or offices in the early C20. Its stout piers, ascending, arched windows and white string masonry bands and cornice animate the corner. Its encapsulated roof, its unpretentious but elegant detailing, and the symmetry of its corner elevations make a distinctive end to the eclectic terrace of buildings in the CA beside it.

¹ Bushey High Street Conservation Area Appraisal 2008

12. The open, flat and spaciousness of the appeal site corner and the garden beside it, provide a gap to the setting of No 128 and the CA; a pause in development between the heritage assets and the block of flats behind. As such, the appeal site makes a positive contribution to the setting of the CA. The proposal, by virtue of its appearance and proximity to these heritage assets, would diminish very considerably their architectural significance.
13. The Framework indicates that any harm to or loss of the significance of a designated heritage asset, including development within its setting, should require clear and convincing justification. It requires, when considering the impact of a proposal on the significance of a designated heritage asset, that great weight to be given to the asset's conservation. Though the harm to the significance of the CA would be less than substantial, this should be weighed against the public benefits of the proposal.
14. With regard to the effect on the significance of a non-designated heritage asset, the Framework requires a balanced judgement having regard to the scale of any harm and the significance of the heritage asset.
15. The proposal's public benefits including the economic and social benefits of upgrading electronic communication infrastructure weigh significantly in favour of the proposal, in addition to the support given by paragraph 114 of the Framework for such developments. Nonetheless, the proposal's significant benefits do not outweigh the extent of harm I have identified to the significance of the CA. Nor, with regard to the significance of the non-designated heritage asset and the degree of harm that I have identified, would these benefits outweigh that harm.
16. I conclude that the development would harm the character and appearance of the area, as well as the significance of the CA and the significance of the locally listed building, No 128. It would, insofar as they are relevant, be contrary to policies SADM29 and SADM30 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan Adopted November 2016, CS14 and CS22 of Hertsmere Local Plan Development Plan Document Core Strategy Adopted January 2013 and paragraph 115 of the Framework. Amongst other things, these seek to ensure development protects, conserves or enhances heritage assets and is of high quality design that respects, enhances or improves the visual amenity of the area.

Alternative sites

17. The appellant's alternative site assessment indicates that there are constraints associated with other new mast locations within the search area. Whilst I appreciate that the search area, particularly in urban areas is likely to be constrained only 5 alternative sites have been considered with only 3 being within the search area.
18. The reason the 3 sites have been discounted is as they are extremely close to residential properties. However, the proposal would also be close to residential properties and as such it is not clear why these other sites are considered more harmful. It is also noted that due to the commercial nature of the area that there is a large carpark close to the appeal site which does not appear to have been explored and is a site that the Council have specifically referenced.

19. Furthermore, paragraph 117 of the Framework advises that for new telecommunication masts, applicants should provide evidence of the possibility of erecting antennas on an existing building, mast or other structures.
20. In this instance I have not been provided with details of the extent of buildings or other structures that could support the proposal. There is little information before me on those alternative sites, particularly as the area is commercial and contains a number of tall buildings.
21. Therefore, I consider that limited information for the discounting of other sites has been provided with little evidence submitted to support assertions that other options are unavailable or unsuitable.
22. In summary, the development would unacceptably harm the character and appearance of the area, as well as the significance of the CA and the significance of the locally listed building. I have already concluded that this harm would not be outweighed by the public benefits of the proposal. This attracts significant weight against the proposal. I am also not convinced that there are no alternative sites for the proposal. For these reasons, I do not consider the harm identified is outweighed by the need for the installation to be sited as proposed. I therefore find the siting and appearance of the proposed development to be unacceptable.

Other Matters

23. The Council have found that the proposal would not harm the amenity of the occupiers of neighbouring properties and that proposals for masts have been granted elsewhere. However, these are neutral factors that do not outweigh the harm I have found.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR