



Appeal Decision

Site visit made on 31 July 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/J0350/W/22/3303344

Lynch Hill Road, Lynch Hill Road SWS, Slough SL2 2AX

- 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 CK Hutchison Networks (UK) Ltd against the decision of Slough Borough Council.
 - The application Ref X/00215/000, dated 29 April 2022, was refused by notice dated 20 June 2022.
 - The development proposed is described as the 'proposed telecommunications installation: Proposed 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. However, a developer must apply to the local planning authority (LPA) to establish as to whether the prior approval of the LPA is required as to the siting and appearance of the proposal.
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 any related guidance and the National Planning Policy Framework (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 therefore the effect of the siting and appearance of the proposed installation on:
 - the character and appearance of the area, including Lynch Hill Valley public open space;
 - highway and pedestrian safety; 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 lies on the eastern side of Lynch Hill Lane, which runs around the northern half of large area of open space, which the Council set out is the designated Lynch Hill Valley public open space. This area provides the locality with a verdant sense of space. Opposite the site are two storey residential dwellings.
6. The proposal would be of functional appearance, typical of telecommunications equipment seen in urban and suburban areas generally. The monopole would be sited on a grassed area next to the highway and a small bank or earth. There are trees nearby however none directly behind the appeal site. There are also some street signs nearby. However, whilst I recognise the height is required to clear surrounding clutter and achieve the appellant's operational requirements, the proposed monopole, at 16m, would be significantly taller than any of these existing vertical elements including the tree levels and roof levels of the two storey Garrard Road or Lynch Hill Lane properties opposite. Whilst a slimline design, it would also have thicker elements at its top, drawing attention to its height.
7. I recognise that the proposal would not, amongst other aspects, impede pedestrian flow and is not sited within a statutory designated area such as a Conservation Area or near any Heritage Assets. Given the land levels and height of this side of Lynch Hill Road, the monopole would appear unduly prominent from a number of viewpoints, from short distances from the houses opposite to medium distance views from the north and distance views from the opposite side of the open space. It would particularly detrimentally impact the views from within the public open space and introduce an unusual and utilitarian feature, which when viewed from the open space, would be visually dominant at an incongruous height. This visual impact would not be mitigated by painting the equipment and monopole green or any other particular colour.
8. I therefore find that the siting and appearance of the development would have a significant harmful visual effect on the character and appearance of the local area.
9. Paragraph 117c of the Framework requires evidence that the appellant has explored the possibility of erecting antennas on an existing building, mast or other structure. The requirement for the monopole and equipment within the immediate locality is clear as shown by the lack of 5G coverage in the area.
10. The Council does not dispute the appellant's assertion that opportunities for sharing have been investigated and exhausted and that there is an urgent requirement to install additional telecommunications equipment.
11. I recognise that the appellant has ruled out a number of alternative sites close by, which are discounted due to reasons such as unsuitable pavements, visibility splay concerns, proximity to a school, the dense residential surroundings and proximity to overhead lines. However, whilst the wider area is residential, from what I observed, there are less conspicuous areas of open space with tree cover or car parking nearby without obvious visibility splay issues and away from overhead lines etc, I am not persuaded that there is not

a reasonable availability of an alternative, less prominent location that would secure the required coverage within the target area.

12. Having regard to all of the above, there is not sufficient evidence before me to definitively rule out other sites and to conclude that the proposed development needs to be sited as proposed because the appeal site is the only feasible or least-worst option. In coming to this view, I have taken into account the constrained nature of the cell search area.
13. The Framework recognises that planning decisions should support the expansion of electronic communications networks and the subsequent economic growth and social well-being arising from reliable communications infrastructure. In addition, the government aims to increase coverage and 'level up' digital connectivity, and the appellant has provided the necessary evidence to justify the proposed development. However, although I recognise the benefits of the proposal and the need for improved coverage in the locality, in this case, I have found that the siting and appearance of the proposed installation would lead to significant harm to the character and appearance of the area. This harm would not be outweighed by the other material considerations of the identified need for the installation, or the alternative sites put forward.

Highway and pedestrian safety

14. The proposed development would be sited next to the highway on a bend in the road. There is good visibility of the site from the north, and whilst visibility of the pole and cabinets from the south would be obscured somewhat by the roadside trees, they would not affect visibility for drivers more than the existing trees.
15. Given the width of the road there is space for two cars to pass. In addition, I observed on site that the grassed area directly next to the highway is often used for parking, and there is a parking area nearby opposite the site. As such, drivers would consequently pay close attention to the possibility of cars manoeuvring and exercise due care and attention. Vehicles would not be directly passing the cabinets and pole at high speed and any restriction in visibility at eye level would be minor. Therefore, the risk of collision from any direction is limited.
16. The footway is on the opposite side and the development would be sited away from any obvious walking path. Accordingly, the siting and appearance of the proposal would not have an unacceptable effect on highway and pedestrian safety.

Other Matters

17. There is a dispute between the main parties regarding the obtaining of preapplication advice. However, I do not find this to impact on the merits of the appeal scheme.

Conclusion

18. Although I have found that the scheme would be acceptable in terms of highway and pedestrian safety, it would have a harmful effect upon the character and appearance of the area. The harm I have identified is not outweighed by the benefits of the scheme or the need for the installation to be

sited as proposed. For the reasons given above, I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR