



Appeal Decision

Site visit made on 8 August 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2023

Appeal Ref: APP/A1910/W/23/3317771

Billet Lane street works, Billet Lane, Dacorum HP4 3LP

- 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) Limited against the decision of Dacorum Borough Council.
- The application Ref 22/03773/TEL, dated 21 December 2022, was refused by notice dated 14 February 2023.
- The development proposed is described as "proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets."

Decision

1. The appeal is allowed and prior approval granted under the provisions of Schedule 2, Part 16, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets. at Site at Billet Lane street works, Billet Lane, Dacorum, HP4 3LP in accordance with the application Ref 22/03773/TEL, dated 21 December 2022, and the details submitted therewith.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 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 principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require regard be had to the development plan. Consequently, I have taken it into account Policy 126 of the Dacorum Borough Local Plan (2004) (LP) and Policies CS11 and CS12 of the Dacorum Borough Council Core Strategy (2013) (CS) as material considerations but only insofar as the policies relate to matters of siting and appearance.

Main Issue

4. In the context of the above, the main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area 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 a paved area which forms part of the footway on the corner of Billet Lane and the A4251, which are relatively busy highways, where they meet at traffic lights. A commercial unit, currently Majestic Wines, is located adjacent to the appeal site. The immediate area has a mixed use character, with residential blocks of flats, pre-school and commercial uses in the immediate vicinity.
6. There are also a number streetlighting columns, road signs and traffic lights close to the appeal site and in the surrounding area as well as a totem advertisement for Majestic Wines. A grass verge adjoining the rear of the appeal site and nearby hedgerows, grassed embankment and trees gives the area a verdant feel.
7. The proposal is intended to provide new 5G network coverage to the residential area in and around Billet Lane. The proposed development would be of functional appearance, typical of telecommunications equipment seen in urban areas generally.
8. The height of the proposed monopole would be some 5 metres taller than nearby existing street lights and it would be taller than the adjacent commercial building. Whilst the proposal would be read as being grouped with this existing street furniture against a backdrop of a commercial use when travelling toward the junction, it would be noticeably taller and wider than the existing street furniture, and it would be taller than neighbouring buildings.
9. Due to its height and prominent siting within the footway, the proposal would be readily visible from various points along Billet Lane and the A4251. Given its height and width, and relatively prominent siting, the proposed monopole would be somewhat at odds with the prevailing smaller scale mixed use nature and verdant character of the area.
10. The siting and appearance of the proposal would be moderately harmful to the character and appearance of the surrounding area.
11. In so far as they are material to the consideration of the main issue, the proposed development would be contrary to the approaches of CS Policies CS11 and CS12 and LP Policy 126 which seek, amongst other things, to ensure that development preserve and integrate with streetscape character.

Alternative Sites

12. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. Applications for telecommunications development should be supported with the necessary evidence to justify the proposal in accordance with paragraph 117 of the Framework. It is evident from the appellants submission that there is a need for improved network coverage in the area. The proposal would provide significant benefits through the upgrade to digital telecommunications in this area allowing for additional coverage and capacity.

13. The appellant has supplied information and maps regarding the site selection process and has explored several other siting options. Contrary to the Council's view, the appeal submission details that the appellant has conducted a desktop survey and physical inspection of the area to assess opportunities for mast sharing and the use of buildings. This concluded that there were no mast sharing opportunities or existing buildings to utilise, as such a new mast would be required. After due consideration all were discounted for various reasons including pavements being too narrow, the proximity of residential properties, obstruction of and by junction visibility splays and overhead lines.
14. There is no substantive evidence that challenges the rationale for discounting the alternatives that have been considered and I have no robust evidence before me to suggest that there would be other more suitable sites. The lack of realistic alternative options to deliver much needed improved coverage and capacity is a consideration which weighs strongly in favour of the development. To the extent that it would be sufficient to justify it against the moderate harm that would arise from the siting and appearance of the proposal.

Conditions

15. Development permitted under Class A Part 16 is subject to standard conditions, including a time limit for implementation, a requirement that development is carried out in accordance with the submitted details, and that it is removed when it is no longer required for electronic communications purposes. It is therefore unnecessary to impose the additional conditions suggested by the Council.

Conclusion

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

Tamsin Law

INSPECTOR