



Appeal Decision

Site visit made on 29 August 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal Ref: APP/E0345/W/23/3318408

Portman Road Green, Bridgewater Close, Reading RG30 1JT

- 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 MBNL (EE UK Ltd & Hutchison UK Ltd) against the decision of Reading Borough Council.
 - The application Ref 221776, dated 24 November 2022, was refused by notice dated 20 January 2023.
 - The development proposed is described as 'proposed replacement of existing rooftop equipment at 42 Portman Road, Reading, RG30 1EA with +20.0m AGL phase 7 telecommunications installation and associated ancillary works'.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed replacement of existing rooftop equipment at 42 Portman Road, Reading, RG30 1EA with +20.0m AGL phase 7 telecommunications installation and associated ancillary works at Portman Road Green, Bridgewater Close, Reading RG30 1JT in accordance with the terms of the application, Ref 221776, dated 24 November 2022, and the plans submitted with it.

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.
4. The Council's fourth reason for refusal related to the lack of submitted International Commission on Non-Ionizing Radiation Protection certificate. This has now been provided, and as such, the Council no longer wishes to contest this reason.

Main Issues

5. 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 designated public open space; 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

6. The appeal site is located on Portman Road. Whilst there are residential areas to the south of this road, they are set back from the road and mostly obscured behind a verdant large grass strip, described by the Council as a designated public open space, which, whilst not areas for sitting out or enjoyment, due to a number of mature trees, provides a visual barrier which mostly obscures the residential areas from the road. The northern side of the road is dominated by large warehouses, and these give the road its commercial and industrial character.
7. This is particularly the case surrounding the appeal site, given its location close to the junction with Bridgewater Close, which is also made up of substantial commercial or industrial warehouses on both sides.
8. The proposed development would be located within the open space, which in this location is characterised by low quality scrub grassland and the junction to Bridgewater Close. There are some vertical elements visible such as streetlamps and signage nearby, in addition to the mature trees on the southern side of the road.
9. The proposal would be of functional appearance, typical of telecommunications equipment seen in urban and suburban areas generally. Its 20m height means that it would be considerably taller than the surrounding street furniture, buildings, and trees, and whilst a slimline design, the mast would have thicker elements at its top, drawing attention to its height.
10. I acknowledge that there is a play area on the other side of the Bridgewater Close junction, and there is an unpaved footpath running nearby the appeal site, extending to residential areas nearby. However, given the surrounding visible commercial and industrial built context and character, amount of signage, the scale of the nearby warehouses, and its position next to a busy highway and junction, the mast would not appear incongruous nor visually dominant, and would not detract from the open space or harm its limited quality in this location.
11. Given its location near the commercial units of Bridgewater Close, the development would not sit next to any residential properties. The visual barrier of the narrow green open space on this side of Portman Road would also mostly obscure it from the nearest residential areas. Whilst the top of the mast may be visible from areas such as Westbrook Road to the east, and medium distance views, it would be seen in the context of the surrounding warehouses and commercial/industrial character.

12. As such, I conclude that the proposal would not have a harmful visual effect on the character and appearance of the local area, including the public open space. Insofar as they are a material consideration, the proposal would comply with Policies CC7, EN7 and OU3 of the Reading Borough Local Plan (2019) which, amongst other things, seek to ensure development, including telecommunications development, respects the local environment, including public open space.

Other Considerations

13. As I have found the proposal to be acceptable it is not necessary for me to address the merits of alternative sites.
14. The Council reference three appeal decisions¹, in which an Inspector dismissed appeals for similar telecommunications installations. Given the site-specific nature of these proposals, which include Conservation Areas, predominantly residential areas, nearby listed buildings, and tree issues, I do not consider that these are directly comparable to the proposal in front of me. As such, I give these decisions little weight.

Conditions

15. Any planning permission granted for the development 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

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

B Phillips

INSPECTOR

¹ Application references APP/E0345/W/22/3305239, APP/E0345/W/22/3303138 & APP/E0345/W/22/3295590