



Appeal Decision

Site visit made on 4 July 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2023

Appeal Ref: APP/B1930/W/23/3315452

Street Works, St Peter's Street, St Albans AL3 5LT

- 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 Gallivan of CK Hutchison Networks (UK) Ltd against the decision of St Albans City and District Council.
 - The application Ref 5/2022/2595, dated 25 October 2022, was refused by notice dated 16 December 2022.
 - The development proposed is described as 'Proposed 5G telecoms installation: H3G 18m street pole and additional equipment cabinets.'
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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. It has been suggested that the proposed cabinets do not require prior approval. Nevertheless, they are shown on the submitted plans and included in the description of development. Therefore, I have considered them as part of the appeal scheme.

Planning Policy

4. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. I have however, 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.
5. The appeal site is within the St Albans Conservation Area (the CA), a designated heritage asset. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) requires me to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. As noted above, the Framework is also a material consideration in respect of heritage assets.

6. At paragraph 197, the Framework, sets out matters which should be considered, including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the CA.

Reasons

8. The Conservation Area Character Statement for St Albans, published 2016 (CACS), identifies the appeal site as within Character Area 7e, Northern St Peter's Street. St Peter's Street is a historic road to the north of the city and is a busy thoroughfare. Its public realm contains footpaths, mainly to each side of the road with several mature trees at their back edges, giving the area a green appearance. Collectively these features result in this part of the CA having a sense of spaciousness which positively contributes to the significance of this designated heritage asset.
9. It is acknowledged in the CACS that the buildings near to the appeal site vary in their architectural style, including some modern buildings, with differing setbacks from the road. However, immediately behind the appeal site is the St Albans Seventh-Day Adventist Church (the Church), on the corner of Carlisle Avenue and St Peter's Street, which is a locally listed building, it is well landscaped, and the CACS identifies it as a modern landmark building. It is clad externally in brick and timber, with grey sheeting on its upper parts and a tall vertical spire incorporating a 'cross' symbol. The Church is set back from the road, and its commanding corner location allows public views of it from the surrounding roads. The building and its setting make a positive contribution to the CA and in the language of the Framework, it can be regarded as a non-designated heritage asset.
10. The appeal site is located at the back edge of a relatively wide pavement to one side of St Peter's Street, and immediately in front of the Church. Near to the appeal site, and within the pavement are also a road sign, public bin and lamp post. St Peter's Street is relatively wide in this area, and the nearby buildings, despite being 2 and 3 storeys high are relatively low, with either flat roofs or accommodation in the roof. The height of these buildings and their respective setbacks, ensures the Church is a prominent building in the immediate area.
11. The proposed monopole would be substantially taller and wider than the nearby street lighting columns, road signs and other street furniture. In addition, it would also be significantly taller and wider than the focal spire on the Church, that it would be sited directly in front of. Moreover, a black colour would not disguise the proposal, nor would it be reflective of the colour or shape of nearby trees.
12. The proposed monopole's siting so close to the road together with its appearance would be very dominant, and dwarf other vertical structures and

nearby buildings. Furthermore, its siting and appearance in this otherwise relatively wide and spacious part of the road would be visually jarring and would create a wholly discordant and prominent feature that would be harmful to, and inconsistent with the character and appearance of the CA.

13. Paragraph 203 of the Framework advises that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account when determining an application. The prominent location and height of the proposed monopole immediately in front of the Church and its focal spire, would create an incongruous and hard-edged feature in this relatively open part of St Peter's Street. Its height, design and appearance would be alien in this context and detract from the appearance of the Church, consequently it would be harmful to the significance of the non-designated heritage asset.
14. The proposed cabinets would be relatively small and discretely located at the back edge of the footpath. Their siting, functional appearance and limited scale would not be dominant or harmful to the character and appearance of the CA.
15. In view of the above, the siting and appearance of the proposed monopole would be harmful to the character and appearance of the CA, and would consequently fail to preserve or enhance the character or appearance of the CA, contrary to the duty within The Act. In addition, harm would be caused to the significance of The Church, a non-designated heritage asset. Although not determinative, there would be conflict with Policies 69 and 85 of the St Albans District Plan, City and District of St Albans, District Local Plan Review, Adopted 30 November 1994 Written Statement, and the relevant sections of the Framework concerned with the historic environment as a result. These policies, amongst other things seek development to have an adequately high standard of design reflecting its context, which preserves or enhances the conservation area, including through its scale, height, and relationship with the skyline and roofscape of buildings and prevents harm to non-designated heritage assets.

Other Matters

16. The appellant has drawn my attention to an appeal decision (Ref: APP/A5840/W/20/3254830). That appeal decision related to whether a proposal would constitute permitted development for the purposes of Part 16 of the GPDO 2015 and its effect upon pedestrian safety. These matters are not in dispute in this case, that appeal decision is not directly comparable.

Planning Balance

17. I have found that the proposed development fails to preserve or enhance the character or appearance of the CA. I give this harm considerable importance and weight in the planning balance of this appeal. In addition, I also found the proposal would be harmful to the significance of The Church, a non-designated heritage asset.
18. I find the harm to the CA to constitute less than substantial harm owing to its effect being localised. Although, this does not equate to a less than substantial planning objection, especially where the statutory tests are not met. Paragraph 202 of the Framework requires public benefits to outweigh such harm.
19. The proposal would improve telecommunication services in line with the Government's aspirations to provide 5G coverage and would support the development and roll-out of 5G across the area.

20. I acknowledge that the appellant undertook pre-commencement consultation with the local planning authority and sought to engage with them at an early stage.
21. I have also had regard to other benefits of the proposal stated by the appellant, including how the proposal would contribute to the delivery of sustainability and support economic growth and social well-being in the local area. It would aid in facilitating increased robust, reliable, and efficient digital communications for the area that would benefit the needs of businesses and communities. These benefits weigh in favour of the proposal.
22. However, the information provided has not adequately explained why there are no other alternative sites for the proposal. There have been no precise details of existing masts or telecommunication infrastructure within the search area, and why if it exists, it cannot be added to, in order to achieve the required 5G coverage.
23. The nominal location for the proposed monopole is some distance away, located near to a grassed recreational area which contains trees on Sandridge Road. I note that it is located within a Conservation Area, like this proposal, although, the reasons for dismissing the site, including possible views of it from nearby residential properties are not convincing.
24. The other possible sites identified by the appellant are restricted to pavement locations, and based on the evidence submitted, there does not appear to be sufficient consideration of other alternative sites not in pavement locations. Whilst two of the other sites considered may be unsuitable for visibility reasons, the reasons for dismissing other possible sites, such as them being near to housing or near to a conservation area, are not convincing without any further justification. Nor is there any evidence that the location suggested by the Council on Carlisle Avenue, which has the benefit of some tree screening, has been considered by the appellant.
25. The benefits in this case, particularly when other suitable alternative sites may exist that could be less harmful than this proposal, do not outweigh the identified harm to the CA from the siting and appearance of the monopole and its resultant effect on the CA.

Conclusion

26. For the reasons given above, I conclude that prior approval should not be granted and the appeal should be dismissed.

A Hunter

INSPECTOR