



Appeal Decision

Site visit made on 3 October 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2023

Appeal Ref: APP/X0415/W/23/3321081

Footway Of Greenway, Greenway, Chesham, Buckinghamshire HP5 2DA

- 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 GPDO).
 - The appeal is made by CK Hutchison (UK) Ltd against the decision of Buckinghamshire Council.
 - The application Ref PL/23/0101/RM, dated 4 January 2023, was refused by notice dated 6 March 2023.
 - The development proposed is the installation of a 17m high slim-line monopole, supporting 6 no. antenna, 2 no. equipment cabinets, 1 no. electric meter cabinet, and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In light of the provisions of Schedule 2, Part 16, Class A of the GPDO, I have assessed the development solely based on its siting and appearance. The provisions do not require consideration of the development plan and no development plan policies are referred to in the Council's refusal reasons or in its appeal statement. However, I have had regard to the relevant parts of the National Planning Policy Framework (the Framework) in my assessment.

Main Issue

3. The main issue is the effect of the siting and appearance of the development on the character and appearance of the area.

Reasons

4. The development would be on the pavement at the junction of Greenway and Upper Belmont Road. The locality consists of houses, a row of shops opposite the site, a school on Greenway and a church where Upper Belmont Road meets Great Hivings. Local buildings tend to be no more than 2 storeys high and telegraph poles and lampposts on the nearby streets are shorter or similar in height to the houses. An antenna pole attached to the side of the shops protrudes above the ridgeline. The site is not in a conservation area and it is not in a public green space as claimed in the Council's refusal reason. Even so, the fairly low height of buildings and structures provides a degree of uniformity that contributes positively to the character and visual qualities of the locality.
5. The proposed monopole is described as slim-line but the appeal drawings show it would be thicker than nearby lampposts. Also, it would be significantly taller

than existing street furniture and local buildings. At 17m high it would protrude way above the nearest house which is shown on the appeal plans as having a ridgeline of 9m above ground level. Moreover, it would be markedly taller than the telecommunications equipment attached to the side of the shops.

6. Also, the pole would be located in a fairly exposed location on a road junction. Its upper element would be seen from a significant distance away along Greenway and from Upper Belmont Road when approaching from the south. The bend in the road and the screening effect of trees would curtail some views of the monopole from the highway to the north. Even so, it would be seen from Great Hivings in views across the open frontage to the church. It would also be visible from local properties. As such, it would have a significant visual impact.
7. There would be no meaningful backdrop of trees or tall buildings and so the upper element of the pole would be seen against the sky. Existing lampposts and telegraph poles as well as the antenna attached to the side of the shops are already seen against the sky but the proposed monopole would be markedly taller than these features. Its height and visibility would lead to a highly dominant effect on the locality. Also, it would be at odds with the low level scale of local buildings and structures. In these respects, the pole would be obtrusive and fail to harmonise with its surroundings. The use of a grey finish would not address the harmful visual effects of the monopole.
8. The development is required to enhance 5G telecommunications coverage in the area. Any such enhancement is likely to require the installation of a structure similar to the proposal. Moreover, there are technical reasons for the height and design of the pole. However, it does not follow that an installation such as the proposal would avoid harm to the character and appearance of an area. In this case, the prominence of the monopole would be markedly at odds with the fundamental characteristics of the locality and so it would be harmful.
9. The proposed cabinets would be similar to others already on the pavement near to the site and so they would be compatible with the area. Also, the proposal would not lead to an excessive clutter of street furniture. However, for the reasons given, the siting and appearance of the proposed monopole and so the development as a whole would harm the character and appearance of the area. The proposal would not be sympathetically designed and so it would be contrary to the provisions of paragraph 115 of the Framework.

Other Matters

10. A certificate confirms that the proposal would comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection. As such, it would not be harmful to public health.
11. The appellant has explored and found no opportunities for the proposed equipment to be provided on existing buildings. The mast on the parade of shops opposite could not be shared as the proposed 5G signal antennas would need to be located far higher than the existing structure. Therefore, I am satisfied that a new base station is required.
12. The appellant also contends that there is no more appropriate site for the proposed monopole and cabinets. I am provided with a list of locations along Upper Belmont Road, Great Hivings and Hivings Park that have been considered and discounted. Almost all of these alternatives have been ruled out

due to the footway being too narrow to accommodate the development. A site on Great Hivings is discounted due to unresolvable underground services.

13. On the evidence before me, I find the appellant's contentions in these regards to be unconvincing. Firstly, there is no plan provided of the search area for the proposal and no explanation on how any area of search has been derived. Also, there is no information on the coverage target area and so I am unsure whether a location different to the appeal site would be just as appropriate in terms of meeting the telecommunication requirements. I appreciate the aim to site antennas on high land to maximise coverage and I note that Greenway slopes steeply downwards from the appeal site. However, there appears to be no marked change in levels in the area immediately to the south, north and west of the appeal site. There is no persuasive justification to discount these locations on the grounds of insufficient signal coverage.
14. Secondly, there is no plan that shows the exact location of the alternatives that have been discounted and so it is difficult to compare the footway width at the appeal site to the other options. Roadside grass verges on part of Upper Belmont Road and Great Hivings would seemingly provide sufficient space for the development. The information before me fails to clearly demonstrate that these have been taken into account. If they have been considered, there is no convincing explanation why these alternatives would provide insufficient space for the proposal, whereas the appeal site would be acceptable in these regards. As such, I attach little weight to the contention that the proposed location provides the only feasible or the best option for the development.
15. The enhanced signal coverage provided by the development would bring economic, social, environmental, health and education benefits. Paragraph 114 of the Framework highlights that planning decisions should support the expansion of networks. Also, I note the referred to costs decision relating to appeal reference number APP/G5180/W/16/3151769. In this decision, the Inspector is critical of a local authority for failing to balance the need for proposed telecommunications equipment or the implications of a lack of alternative sites against harm to the character and appearance of an area.
16. However, as highlighted by the appellant at paragraph 5.3 of their statement of case, the relevant provisions of the GPDO indicate that only matters of siting and appearance should be considered. The benefits of the scheme are not to be taken into account as they are already recognised through permitted development rights. In any event, the advantages of the proposal and other arguments advanced in support of the scheme do not outweigh the harm I have identified in respect of the character and appearance of the area.

Conclusion

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

Jonathan Edwards

INSPECTOR