



Appeal Decision

Site visit made on 17 October 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2023

Appeal Ref: APP/N1540/W/23/3315332

Oakwood Chapel, Spring Hills, Little Parndon, Harlow CM20 1SU

- 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 appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Harlow District Council.
 - The application Ref HW/PNT/22/00463, dated 7 October 2022, was refused by notice dated 21 November 2022.
 - The development proposed is a telecommunications installation: 15.0m Phase 9 slimline Monopole and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referred to a number of development plan policies in its decision notice. However, the principle of development is established by the General Permitted Development(England) Order 2015 (as amended) (GPDO) and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I however have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

3. 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

4. The appeal site comprises a small grass verge enclosed on three sides by timber knee rails and a clothing donation bank on the fourth side. A lamp post is positioned towards one corner. In addition, there are numerous pieces of street furniture including bollards and bins. The surrounding area is urban with the appeal site located in front of a small single storey parade of shops. A church is located opposite the appeal site with the wider area comprising residential properties of varying heights.
5. The proposed mast would be positioned adjacent to the existing lamp post, said to be approximately 6m in height. The equipment cabinets would run parallel to the knee rail in front of the shops.

6. The proposed mast would be appreciably taller than the existing lamp post and adjacent row of shops and would appear unduly prominent in views from Spring Hills and Hobtoe Road as well as the surrounding residential properties. Despite the urban character of the area, the mast would be seen widely and would appear as a dominant and incongruous feature. Whilst its slimline design would not have the 'top heavy' appearance that sometimes characterises telecommunications masts, its height and width would nevertheless set it apart from the adjacent lamp post.
7. The ground level cabinets would blend in with the existing street furniture, however the cumulative effect of the proposal would lead to the verge appearing cluttered. The appellant suggests that the equipment could be coloured to reduce its effect. However, this would not prevent the proposed mast from appearing as an intrusive feature within the street scene that would harmfully detract from the character and appearance of the area.
8. The proposed equipment would provide 5G coverage. The supporting Cell Search Area Map shows that the appeal site lies within an area of coverage deficiency which the proposal seeks to infill. This information is not disputed by the Council and has informed the appellant's search area for the new equipment. On the basis of the evidence before me, I am satisfied that the appellant has demonstrated that there is an identified need for the proposed development to be located somewhere in the search area.
9. I have found that the proposed development, through its siting and appearance, would cause harm to the character and appearance of the area. Therefore, alternative sites are an important consideration. In addition, paragraph 117 of the Framework requires that, for a new mast, evidence be provided that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structure.
10. The supporting information indicates six discounted alternative options for the proposed development within the search area, numbered D1-D6. D2 and D3 have been discounted due to insufficient coverage with the remaining sites discounted for reasons including impact on residential dwellings and insufficient space. However, the reasons provided are brief and unsupported by any further evidence to suggest why they would be more harmful than the appeal scheme or are not viable.
11. Further, it has not been demonstrated whether the options explored included the use of existing buildings, masts or structures, as required by the Framework. The appellant states that opportunities for sharing facilities have been investigated, and that mast sharing would entail a more bulky structure and multiple levels of headframes. However, I have no evidence of these investigations before me.
12. I note that the application for prior approval for a 18m high mast was refused at site D7¹. While the Council considered the siting and appearance of that development to be unacceptable, the presence of that refusal alone does not satisfy me that there are no other suitable alternative sites for the proposal in the search area.

¹ Application Reference HW/PNT/21/00139

13. The appellant states that the cell search area is extremely constrained and that the only viable option has been put forward. However, the map shows that the search area covers a wider area encompassing a variety of spaces. In the absence of clear and persuasive evidence as to why alternative sites have been discounted, I am unable to establish that the appeal scheme is the most suitable in its siting and appearance.
14. The need for this installation weighs in favour of the appeal. However, I am in no doubt that proposal would be harmful to the character and appearance of the area, and I am not convinced that less harmful alternatives have been properly explored. Therefore, I conclude that in this case, the need for the installation does not outweigh the harm.
15. Insofar as it is a material consideration, the proposal would be contrary to Policies PL1, IN4 and IN5 of the Harlow Local Development Plan (December 2020). Amongst other things these policies seek to ensure development protects and enhances local distinctiveness, responding to the scale of the surrounding area and ensure the use of alternative sites for telecommunication installation has been explored and proved to be unviable.

Other Matters

16. While I recognise that there are wider social and economic benefits that would arise from the proposal, the GPDO is clear that the only considerations should be the siting and appearance of the proposal. Therefore, these considerations neither weigh in favour of or against the proposed installation.
17. I note that the appellant sought pre-application feedback from the Council to which they claim to have received no response. In any case, this matter does not lead me to an alternative conclusion.

Conclusion

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

K Allen

INSPECTOR