



Appeal Decision

Site visit made on 14 November 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2023

Appeal Ref: APP/C1950/W/23/3323009

Knightsfield Street Works, Hatfield AL8 7NQ

- 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 Mr Gallivan on behalf of CK Hutchison Networks (UK) Ltd against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2022/2659/PN15, dated 22 November 2022, was refused by notice dated 16 January 2023.
 - The development proposed is 5G telecoms installation: H3G 16m 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), 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 provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have 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.
4. During the course of my consideration of the appeal the Welwyn Hatfield Local Plan 2016 (LP) was adopted, on 12 October 2023. Policies which are referred to in the Council's decision notice from the previous Local Plan have subsequently been superseded.
5. The appellant has referred to an out-of-date version of the National Planning Policy Framework (the Framework) and the paragraphs submitted are no longer correct. However, where the intended policy paragraph reference is clear, I have considered the most relevant paragraph in the current Framework.

Main Issues

6. The main issues are:

- the effect of the siting and appearance of the proposal on the character and appearance of the area,
- the effect of the siting on pedestrian movement; 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

7. The appeal site is located along the footpath of Knightsfield which is a wide main road. There are broad grass verges either side of the road and the footway is backed by a large open area of land which is mostly grassed and contains several large, mature trees. As a result, the area has an open character and appearance. The wider area is largely residential with houses fronting Knightsfield as well as the open area of land.
8. The proposed pole and equipment cabinets and would be located within the footway. Street furniture is currently limited in the area, mostly consisting of sporadic street lighting columns. The street scene is therefore generally uncluttered.
9. While I note that the proposed pole is the minimum height to bring the benefits of 5G, it would be greater in height than the lighting columns and two storey dwellings. It would sit awkwardly with the lighting columns. While there are trees nearby, the pole would be at a greater height and as such they would provide limited screening of the proposal.
10. The additional equipment cabinets would be close to the pole and due to the general lack of street furniture in the area it would result in clutter on the pavement. Furthermore, the positioning of the pole and cabinets within the footpath would appear incongruous as the limited street furniture in the area is located on the grass verges rather than in the footway. As a result, the proposal would be at odds with the street scene and harm the open character and appearance of the area.
11. I conclude, therefore, that the proposed development would harm the character and appearance of the area. Consequently, it would therefore be contrary to policy SP9 of the LP which seeks to ensure development relates well to its surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place.

Pedestrian movement

12. The area is residential and there is a school close to the appeal site. It is therefore likely that the footpath is highly trafficked, particularly during school drop-off and pick-up times, which is a concern raised by interested parties.
13. While the footpath would be widened as part of the proposal, the location of the mast and additional equipment would result in an awkward arrangement

for pedestrians. No other obstructions are located within the footpath nearby the site and as such, the proposal would be likely to be unexpected for at least some users of the footpath and in particular those with visual impairments. The appellant has not provided any specific justification as to the need for the proposal to be sited within the footpath rather than the grass verge or open space nearby.

14. I conclude that the proposal would be likely to harm pedestrian movement. It would therefore be contrary to Policy SP9 of the LP which seeks to prioritise the pedestrian and cyclist in their layout and provision of street furniture/facilities.

Need and alternative sites

15. The appellant's alternative site assessment suggests that there are constraints associated with other new mast locations within the search area. The reason the other sites have been discounted are insufficient and unsuitable pavements, visibility splay issues and close distance to residential buildings and areas.
16. I note that the map shows a search area which includes several open areas, which do not appear to have been explored. I note the reasoning behind discounting the sites shown with the submission, however, I am not convinced that the search area has been adequately explored. In particular, the proposal would be within a residential area which is the reason other sites have been discounted, so it is not clear why these other sites are considered to be more harmful. I therefore cannot be sure that the appeal scheme is the most suitable in terms of its siting and appearance.
17. Paragraph 117 of the Framework advises that for new telecommunication masts such as the proposal, applicants should provide evidence of the possibility of erecting antennas on an existing building, mast or other structures. In this case the appellant suggests that there are no suitable structures, which appears reasonable in a residential area.
18. There is support in the Framework and by the Government for high quality communications, and advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. In this regard, policies and decisions should support the expansion of the communications network, and the delivery of 5G infrastructure is specifically referenced. The Council also recognise the importance of reliable and efficient digital communications. The public benefits therefore weigh substantially in favour of the proposal.
19. In summary, the proposal would unacceptably harm the character and appearance of the area and pedestrian movement. This attracts significant weight against the proposal. I am also not convinced that there are no suitable alternative sites for the proposal. For these reasons, I do not consider the harm identified is outweighed by the need for the installation to be sited as proposed or the public benefits. I therefore find the siting and appearance of the proposed development to be unacceptable.

Other Matters

20. The appeal site is not located within a Conservation Area and the nearby trees are not protected by any Tree Preservation Orders. However, these are neutral factors that do not weigh against the identified harm.

Conclusion

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

D Wilson

INSPECTOR