



Appeal Decision

Site visit made on 17 January 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/E0345/W/23/3327407

Henley Road Street Works, Henley Road, Reading RG4 6DX

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Reading Borough Council.
 - The application Ref 230313, dated 10 March 2023, was refused by notice dated 3 May 2023.
 - The development proposed is 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions.
3. The provisions of the GPDO require the local planning authority to assess the proposed development solely based on its siting and appearance, taking account of any representations received. My determination of this appeal has been made on the same basis.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. Therefore, I have had regard to the policies of the development plan only in so far as they are factors relevant to matters of siting and appearance.

Main Issue

5. 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 would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

6. The appeal site lies in a prominent location on the pavement adjacent to school playing fields along a busy road in a predominantly residential suburban area.

The appeal site is located adjacent to an existing close boarded fence with a hedge behind, that together define the boundary of the school grounds. There are some vertical features within the vicinity, including lampposts and some trees within the school grounds along the boundary of the school playing fields. However, due to the open appearance of the appeal site and its immediate surroundings, including the backdrop of the extensive open space of the playing fields there is a sense of spaciousness which makes a significant contribution to the character and appearance of the area.

7. I observed that there is another street pole not far away on the same side of the road. However, this is adjacent to a wire and mesh fence with netting above which aims to prevent balls from the playing courts entering the road. This form of enclosure is significantly higher than the close boarded fence and hedge adjacent to the appeal site. As a result, the visual context of this other installation is materially different from the appeal site.
8. The proposed new cabinets are a typical form of structure seen within a suburban area. Given their relatively low height and as they would be set against the existing fence, they would not appear as incongruous features on the pavement and would not lead to undue visual clutter.
9. The appeal site is not located within a conservation area. Moreover, the appellant has reduced the height of the proposed installation compared to a previous application. The proposed installation would also be painted an appropriate colour. However, the proposed 15m street pole would protrude significantly above the adjacent close boarded fence and hedge as well as the other vertical features in the immediate vicinity of the appeal site.
10. Given the open and spacious appearance of its surroundings and the fact that there would be little screening from any nearby trees, the proposed street pole would be readily visible from many vantage points, including people driving and walking along Henley Road and from the school grounds. As a result, it would stand out as a discordant structure within the streetscene that would unacceptably harm the character and appearance of the area.
11. I note that the National Planning Policy Framework (the Framework) supports the provision of advanced, high quality and reliable communications infrastructure and the Government's support for the rollout of the 5G network. However, the Framework also sets out that new equipment should be sympathetically designed and camouflaged, where appropriate as well as requiring developments to be sympathetic to local character.
12. I accept that the appellant has a need to provide the installation within this area in order to establish 5G connectivity. A sequential approach to site selection has been adopted. This involved considering options, including mast and site sharing, using existing buildings and structures and alternative ground-based installations. This process led to the selection of the appeal site location.
13. The appellant identified six possible alternative sites. However, very little detailed information has been provided on why these sites have been discounted. Or why sharing the existing street pole located not far from the appeal site would not be possible.

14. Reasons provided in relation to the alternative sites include unsuitable pavements and visibility splays and that some of the sites are within a residential area. However, given the generic reasoning provided, it is not clear whether locating the installation on these sites would be operationally impossible or just challenging. Moreover, if development would ultimately be possible on an alternative site, it is not clear why the appellant considers it would be more harmful than the proposed location, especially as the appeal site is also located in a predominantly residential area adjacent to school playing fields. Therefore, the information provided is insufficiently compelling or robust to show that this is the only site on which the proposed development could be located.
15. I therefore conclude that the siting and appearance of the proposed installation would have an unacceptable harmful effect on the character and appearance of the area. I am not persuaded that less harmful alternatives have been adequately explored and I consider that the need for the installation does not outweigh the harm.
16. In so far as they are material considerations, the proposal would not accord with Policies CC7 and OU3 of Reading Borough Local Plan adopted November 2019 which, among other things, seek to ensure that development maintains and enhances the character and appearance of the area, that telecommunication development should not have an adverse impact on the visual amenity of the surrounding area, that alternative sites and site-sharing have been fully investigated and that it has been demonstrated that no preferable alternative sites are potentially available that would be less visually intrusive.
17. Moreover, the scheme would be at odds with the Framework which, as set out above, seeks to ensure that new equipment should be sympathetically designed and camouflaged, where appropriate as well as requiring developments to be sympathetic to local character.

Other Matters

18. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision maker should determine. As a result, the fact that the appellant has provided the ICNIRP certificate is a neutral consideration.
19. I note that the appellant considers that the Council did not give appropriate weight to the economic and societal benefits, but these factors have not been taken into account in considering the matters of siting and appearance.

Conclusion

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

S Rawle

INSPECTOR