



Appeal Decision

Site visit made on 17 January 2024

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/D1780/W/23/3328111

Grass Verge at Wimpson Lane, Wimpson, Southampton SO16 4QD

- 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 CK Hutchison Networks (UK) Ltd against the decision of Southampton City Council.
 - The application Ref 23/00326/TCC, dated 13 March 2023, was refused by notice dated 5 May 2023.
 - The development proposed is installation of 17m high slim-line phase 9 monopole, supporting 6 no. antennas, 3 no. equipment cabinets and ancillary development thereto including 1 no. GPS module.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the installation of 17m high slim-line phase 9 monopole, supporting 6 no. antennas, 3 no. equipment cabinets and ancillary development thereto including 1 no. GPS module at Grass Verge at Wimpson Lane, Wimpson, Southampton SO16 4QD, in accordance with the application Ref 23/00326/TCC, dated 13 March 2023, and the plans submitted with it including: 002 SITE LOCATION PLAN (Issue B); 100 EXISTING H3G SITE PLAN (Issue B); 150 EXISTING H3G ELEVATION (Issue B); 210 PROPOSED H3G SITE PLAN (Issue B); and 260 PROPOSED H3G ELEVATION (Issue B).

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 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.
3. 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. I have therefore had regard to the policies of the development plan, including SDP 1 and TI 5 of the City of Southampton Local Plan Review – Adopted Version 2nd Revision (2015) and CS 13 of the Local Development Framework Core Strategy Development Plan Document (2015), and the

relevant provisions in the National Planning Policy Framework (Framework), only insofar as they are factors relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is a highway verge positioned at one end of a relatively large area of grass and trees. It is close to a hawthorn tree, a short footpath running between Wimpson Lane and Cheviot Road, some lampposts and railings opposite the junction where Mansel Road East meets Wimpson Lane. The surrounding area has a built-up suburban character and its public realm contains, amongst other aspects, numerous trees, lampposts and telegraph poles. The trees are significant, prominent features in the locality, whilst the lampposts and telegraph poles are also relatively tall and provide the area with a sense of verticality. Although the hawthorn forms part of the area's verdant nature, its scale (relative to the numerous larger mature trees) and condition (with various dead, broken branches) limits its contribution in the locality.
6. The proposed mast would be significantly taller than existing buildings, the hawthorn and lampposts. However, despite its open position, it would be well screened in the majority of views along Wimpson Lane by the tall mature trees to the north and south, and it would be read in the context of the larger trees and the numerous lampposts and telegraph poles in the surrounding area. Combined with its slender form and proposed colour, it would therefore appear neither unacceptably prominent or dominant, nor incongruous in relation to its suburban setting. In coming to this view, I have taken account of the mast's visibility in the locality, including in relation to its position at the end of Mansel Road East, and the absence of leaf cover in winter.
7. The proximity to the hawthorn indicates that the proposed mast could harm the health of the tree and ultimately its longevity. However, the mast would have a small footprint whilst sensitive construction measures could be employed to limit root damage. In addition, the tree already has a limited contribution to the visual amenity of the area, which has a relatively extensive canopy cover without taking account of the hawthorn, and the available evidence indicates that it has a limited life expectancy. Accordingly, the proposed development would not have a significant or unacceptable effect on the hawthorn or visual quality of the streetscene.
8. The Council granted approval in 2022 for a 15 metre monopole only a few metres away. However, the submitted evidence indicates that scheme cannot be progressed because the application for that mast was incorrectly made due to the land owner not being given the required notice. In any event, even if that scheme could be progressed, it is unlikely that the appellant would pursue two masts in such close proximity. With the Council being the land owner and expressing concerns about the cumulative effect of both masts being installed, it seems to me that the Council could also decline to allow the other mast to be installed on its land.
9. In conclusion, the proposal would not appear unacceptably prominent or intrusive, and would not harm the character and appearance of the surrounding

area. Consequently, the siting and appearance of the proposal would be acceptable. On this basis, there is no need to consider the alternative sites that have been assessed or whether the site for the nearby approved monopole could be a suitable alternative.

Other matters

10. Concerns have been raised about potential effects of the mast on the health of humans and wildlife, including with respect to 5G and the proposed monopole's proximity to residential properties and a school. However, 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. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
11. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as: the need for the proposal given the presence of other masts in the wider area; adequacy of consultation with neighbours and the school; safety risk from the mast or associated objects falling; noise and light pollution; human rights; causing a nuisance by attracting wildlife; the need for environmental impact and health and safety risk assessments; impact on people's mental health; energy consumption and the effect on climate change; distracting drivers; and the effect on other trees in the locality. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these, and some also do not relate to the matters of siting and appearance. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conditions

12. Any permission granted under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These specify that: the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application; must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application; and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

13. For the reasons given above, the appeal is allowed and prior approval is granted.

T Gethin BA (Hons), MSc, MRTPI

INSPECTOR