
Appeal Decision

Site visit made on 12 March 2024

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 March 2024

Appeal Ref: APP/T0355/W/23/3323303

Area of Grass Verge, Waltham Road, White Waltham, Windsor.

(Grid Reference: Easting 485436 Northing 177761)

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO)
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of the Council of the Royal Borough of Windsor and Maidenhead
 - The application Ref 22/03340, dated 14 December 2022, was refused by notice dated 8 February 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 Matter

2. The appeal site address in the decision banner is taken from the appellant's appeal form, which I consider more accurately identifies the appeal location.
3. The National Planning Policy Framework (NPPF) was updated on 19 December 2023. The content at Section 10 on supporting high quality communications and those parts of the NPPF relevant to character and appearance and heritage remain as previously published when the Local Planning Authority (LPA) made its decision and when the appeal was submitted.

Main Issue

4. I am satisfied that the proposal complies with the relevant limitations and restrictions set out in the GPDO. Development under Part 16, is, however, subject to a condition that the prior approval of the LPA must be sought for the siting and appearance of the development. The LPA withheld its approval on the basis that the proposal would cause harm to visual amenity, including by reference to the setting of Waltham Grange, a Grade II Listed building. The LPA also submits that the alternative sites have not been comprehensively assessed.
5. Accordingly, the main issue in this appeal is the effect of the siting and appearance of the proposed installation on the character and appearance of the area 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

6. There are no specific environmental designations at the appeal location. There would be no harm to the setting of the St Mary's Church and Bury Court Conservation Area due to the proposed location and curvature of the highway. However, paragraph 119 of the NPPF states that where new sites are required, equipment is to be sympathetically designed and camouflaged where appropriate.
7. The appeal location comprises a grass verge on Waltham Road at a point between the commercial buildings at the Grove Park Business Estate to the south and south-west and a cluster of residential development, mainly at Church View, a short distance to the north. The road at this point is bounded by a maintained field hedge to the west and a tree belt to the east. Development at the Grove Park Business Estate is contained by boundary planting such that there is only limited intervisibility at the appeal location, including with the nearest building (Hewland Engineering) only a short distance to the south. The prevailing character at the appeal location is one of a small countryside gap between clusters of development, such that it can be reasonably described as semi-rural.
8. There are no streetlights on this part of Waltham Road. A solitary telephone pole is situated a short distance to the north of the appeal site close to an access road into White Waltham Airfield. The mast would consist of a 15 metres tall Phase 8 monopole, with a slightly bulbous antenna upper part to the mast. In the context described above, its height and appearance mean it would be a highly conspicuous feature in views in Waltham Road as it sweeps through this part of White Waltham. The solitary telephone pole would not provide sufficient assimilation. The adjacent maintained hedge (at approximately 4 metres in height) would provide only very limited visual mitigation, although I accept the taller vegetation to the south, close to the boundary with the Grove Park Business Estate would provide a degree of mitigating backdrop when looking south along this part of Waltham Road. Elsewhere, the dwellings at a moderate distance to the north and the limited visibility of commercial development to the south-west means the proposed monopole would not be seen against a main backdrop of built development. Consequently, in most perspectives the mast would be seen clearly against the skyline and therefore experienced as a prominent feature by road users and pedestrians.
9. I note that the mast at 15 metres is asserted to be the lowest height necessary for delivering an improved 5G service, but it would nonetheless be a manifestly tall, unique structure in the semi-rural context at the appeal location. The mast would be coloured grey but, again, given the combination of the height and the various antennae at the upper part of the mast I do not find this would be particularly effective in ensuring the pole would be sympathetically designed to its context. The appellant refers to the proposed monopole mast design being often found in "urban locations" and in "close proximity to lampposts and trees"¹. This is not an urban location, there are no lampposts or trees forming an immediate backdrop at the proposed pole location. Overall, I find the mast would appear as a starkly intrusive feature and would harmfully detract from the semi-rural character and appearance of the area.

¹ Paragraph 5.1 Planning Appeal Statement of Case

10. Waltham Grange is situated a short distance to the north-east of the appeal site. It is a Grade II listed asset the heritage significance of which is its architectural quality as an example of a substantial 3 storey early Nineteenth Century former rural vicarage. The Listed Building is now mainly experienced within the context of modern residential development at Church View and Vicarage Gardens such that any original rural setting is now truncated to the south of the building, including the appeal location. The building is not orientated towards the appeal site and the closest parts are the lower former service wing rather than the grandeur of the main house. Extensive vegetation to the east of Waltham Road including within the grounds of Waltham Grange appreciably limits intervisibility between the appeal site and building. Nonetheless, there would be limited perspectives in Waltham Road in which the mast and parts of the listed building would be seen together. Due to its height and appearance the proposed mast would harmfully intrude into the remaining rural setting to the detriment of the heritage significance of the asset.
11. Having regard to paragraph 208 of the NPPF the harm identified would be less than substantial and very much towards the lowest end of any such spectrum of harm. Paragraph 205 of the NPPF states that great weight should be given to the asset's conservation, irrespective of the degree of potential harm. Paragraph 206 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification.
12. NPPF paragraph 121 c) states that applications for electronic communications development should include (for a new mast) evidence that there has been an exploration of the possibility of erecting antennas on an existing building, mast or other structure. The appellant submits that there are no available opportunities for mast or site sharing within the search area and this is not disputed. The focus then turns to whether there are other suitable sites for a new ground based installation. Seven sites including the appeal site have been considered. The six alternatives are summarily discounted by the appellant for either operational reasons or for being in close proximity to residential housing². The information before me is limited with little explanation as to how the area of search was defined and what criteria were used to search for alternative sites and how they were selected. There is no detailed information to show that the very brief reasons for discounting the alternative sites are justified or that the locations identified could not host an installation. On the limited evidence before me I cannot be satisfied that alternative sites have been comprehensively assessed or that the appeal site represents the least harmful option available in the area to meet the additional 5G coverage and service improvements and so secure the same public benefits.
13. The proposal would provide for 5G coverage, noting the appellant's submission that 5G will allow for markedly faster data speeds with very low latency (delay) but requires smaller cells to enable coverage³. The NPPF is clear that high quality and reliable communications infrastructure is essential for economic growth and social well-being. The starting point is that decisions should support the expansion of electronic communications networks including 5G. The proposed mast is intended to provide new 5G coverage in and around Waltham Road and an area of search with a radius of approximately 100

² By reference to the Planning Appeal Statement which only deals with Sites D1-D4 and the separate 5G Site Specific Supplementary Information Statement which deals with Sites D1-D6

³ In line with the Government objective for the UK to be a world leader in 5G, with the majority of the population covered by a 5G signal by 2027 – Joint DCMS & MCLG Statement March 2019

metres has been applied as the intended target/search area. This weighs positively in favour of the proposal.

14. However, on the basis of the evidence before me it has not been demonstrated that the appeal site is the best available option for minimising the effect of the development. Therefore, notwithstanding the need for the proposed installation, and the benefits which would arise from it, these would not amount to a clear and convincing justification for the less than substantial harm to the significance of the Grade II listed Waltham Grange. Nor would these benefits outweigh the wider harm to the semi-rural character and appearance of the area.
15. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Spencer

Inspector.