



Appeal Decision

Site visit made on 6 March 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2024

Appeal Ref: APP/C1760/W/23/3328260

Area of Grass Verge, Smannell Road, Andover SP11 6JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Gallivan, CK Hutchison Networks (UK) Ltd against the decision of Test Valley Borough Council.
 - The application Ref is 23/00057/TELN.
 - The development is proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
-

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 2015), 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 application form states the first part of the site address as 'Smannell Road street works', and the appeal form states it as 'Area of Grass Verge, Smannell Road Street Works'. Within the banner heading above I have referred to 'Area of Grass Verge' to better identify the site but have not included reference to street works as this is a description of the proposal.
4. I have taken the description of development as set out above from the application form as neither party has provided written confirmation that a revised description has been agreed.

Planning Policy

5. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies E1, E2, COM15 and LHW4 of the Test Valley Borough Revised Local Plan DPD Adopted Local Plan 2011-2029 (January 2016) (LP) are material considerations as they relate to issues of siting and appearance. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area; the effect on the living conditions of residential occupiers at 1, 3, 5, 7, 9 and 11 Swallowfields with particular regard to outlook and enjoyment of outdoor space; 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 a grassed area, adjoined by paths, adjacent to a large area of open space. The site is also located close to a busy road and close to the roundabout junction of Smannell Road and Cricketers Way. Built-up surroundings to the south and west are generally limited to two-storey residential and community buildings. Slim vertical structures including lighting columns and road signs are found on the adjoining streets. Despite this, the open space, associated grassed areas and trees give the immediate area a pleasant, spacious, and verdant character.
8. The proposed installation is a 15m telecommunications mast with associated cabinets and works, which would be on the grass verge, adjacent to the footway.
9. At 15m, the proposed mast would be of a functional design and considerably taller than any of the nearby buildings. It would also be considerably taller than the nearby streetlights that the proposed plans state range between approximately 6m and 8m high. It would be much bulkier due to its greater width and the additional equipment to the top of the mast. There are long uninterrupted views when approaching the site along Smannell Road and on approach to the roundabout junction. There are mature trees on the open space immediately to the north of the site, which the submitted drawings indicate range from around 4m to 10m in height. While these trees would partly screen some parts of the proposal from the north, the upper parts would be visible from sections of Roman Way, particularly when the trees are not in leaf. Moreover, the pole would be readily visible below the canopies at close distance.
10. In the context of the open space, trees and verdant undeveloped character adjoining the appeal site, and by reason of its height and bulk greatly exceeding the height of nearby trees and streetlights, the proposed mast would be a stark, prominent and intrusive addition to the locality.
11. As well as the mast, the submitted drawings show additional cabinets; these would add further visual clutter to the area, although it would be of a sort which would not be wholly unexpected or alien in a built-up area.
12. Despite the plans detailing that the mast and cabinets would be coloured green, the siting and appearance of the mast would nonetheless be a discordant utilitarian addition to the street scene and would not readily compliment the area's local character. This would be the case despite the area not forming part of a designated Conservation Area.

13. I therefore find that the proposed mast would cause harm to the character and appearance of the area. Insofar as they are a material consideration, the proposal would conflict with Policies E1, E2 and COM15 of the LP. Together, and amongst other things, these policies seek to ensure development is of a high quality in terms of design and local distinctiveness and ensures the protection, conservation and enhancement of the landscape.

Living conditions

14. Due to the height and bulk of the mast it would be seen from the rear of nearby dwellings, notably numbers 1, 3, 5, 7, 9 and 11 Swallowfields. The rear elevations of these dwellings have windows at ground and first floor level that would face the proposed mast across fairly narrow gardens of restricted length. The mast would also be visible from parts of the associated rear gardens above the rear boundary treatments.
15. By reason of the vertical nature of the pole set against a generally open and undeveloped outlook from the rear of the dwellings, combined with its position a considerable distance beyond the rear gardens on the opposite side of the road, it would not have an overbearing impact and would not harmfully detract from the enjoyment of the outdoor space to the rear of the dwellings.
16. While the position of the mast would not be so close to those dwellings that it would have a harmful effect on their outlook or harmfully detract from the enjoyment of their outdoor space, it would nevertheless be a prominent and incongruous feature.
17. I therefore find that the proposed mast would not have a harmful effect on the living conditions of nearby residential occupiers at 1, 3, 5, 7, 9 and 11 Swallowfields with particular regard to outlook and enjoyment of outdoor space. Insofar as policy LHW4 of the LP is a material consideration, the proposal would not be contrary to the policy that provides for the privacy and amenity of neighbouring properties.

Alternative sites

18. The Framework supports the provision of high quality and reliable communications which it states are essential for economic growth and social well-being. Paragraph 118 states that planning policies and decisions should support the expansion of the electronic communications network, including next generation mobile technology such as 5G. The supporting information submitted with the appeal indicates that the proposal would increase coverage and network capacity in the surrounding area and assist in the roll out of 5G technology in accordance with aspirations in the Framework and LP.
19. Paragraph 119 of the Framework states that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. The appellant has investigated alternative sites as required by paragraph 121 of the Framework and discounted them, due to unsuitable pavements, impact on visibility splays and close proximity to an over bridge.
20. I appreciate that the search area for the proposal is constrained and that 15m is the lowest height required to achieve 5G. I am also mindful that there is a limit to how far an operator can reasonably be expected to go to demonstrate no other less intrusive or harmful sites are available. However, only limited

information has been provided as to why the alternative sites were discounted or why these were the only possible locations within the search area.

21. In light of the appeal proposal comprising a grass verge adjoining a pavement, the evidence does not include detailed analysis or demonstrate why the pavement areas/associated grass verges at the discounted sites are unsuitable, or why the location near to an over bridge is unsuitable given its height lower than the proposed mast. Furthermore, the proposal fails to provide detailed analysis or evidence clearly demonstrating that the proposal falls within a visibility splay given that this discounted site comprises a footpath set back from a large roundabout. Moreover, the appeal site is located a considerable distance outside of the intended cell/target area suggesting that the extent of the intended target/search area could be enlarged. I am not therefore satisfied that all alternative, potentially less harmful options have reasonably been explored and therefore that no more suitable sites are available.
22. I conclude that the harm I have identified to the character and appearance of the area is not outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

Other Matters

23. Reference has been made to various social, economic and sustainability benefits but these have not been taken into account in considering the matters of siting and appearance.
24. The appellant draws attention to an appeal decision¹ in Walworth, London. However, I have limited information in relation to this to determine whether it is comparable, and I am required to consider the current proposal on its merits.
25. The appellant states that the siting and appearance of the associated cabinets are permitted development. However, the appeal before me relates to the scheme in its entirety, and I have assessed the proposal on this basis. In any event, I am not persuaded that there would be a greater than theoretical possibility of the cabinets being installed at the site without the associated street pole, such that I attach limited weight to this argument.

Conclusion

26. The siting and appearance of the proposal would harm the character and appearance of the area. This harm is not outweighed by the public benefits including the support in the Framework for high quality communications, or by the need for the installation to be sited in this location, having regard to the potential availability of alternative sites. In addition, the harm is not outweighed by any other considerations when weighed against the development plan harm and the wider requirements of the Framework.
27. Therefore, having regard to all matters raised, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR

¹ APP/A5840/W/20/3254830