



Appeal Decision

Site visit made on 20 February 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2024

Appeal Ref: APP/H1705/W/23/3326248

Woodbury Road Street Works, Woodbury Road, Basingstoke RG22 4XU

- 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 Basingstoke and Deane Borough Council.
 - The application Ref 22/03254/TENO, dated 3 December 2022, was refused by notice dated 27 January 2023.
 - The development is a proposed 5G telecoms installation: H3G 15m phase 9 street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since this appeal was lodged, a revised National Planning Policy Framework (Framework) has been published. Although this has not raised any new matters that are determinative in this appeal, updated paragraph numbers are cited within this decision letter.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 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.

Planning Policy

4. The principle of development is established by the GPDO, and there is no requirement to have regard to the development plan. Nevertheless, policies EM1, EM10, and CN9 of the Basingstoke and Deane Local Plan (2011 to 2029) dated 2016 are material considerations in so far as they relate to siting and appearance. Amongst other things, these policies seek to ensure that development is of a high quality; that it positively contributes to the appearance of streets and other public spaces; and that it is sympathetic to the character and quality of the area. They also require that safe, suitable, and convenient access be provided for all potential users and that the development should not compromise highway safety.

5. The Framework is also a material consideration. This includes sections on supporting high-quality communications, achieving well-designed and beautiful places, and promoting sustainable transport.
6. Paragraph 119 of the Framework seeks to minimise the number of electronic communications masts and the sites for such installations, as well as encouraging the use of existing masts, buildings, and other structures. For a new mast or base station, Framework paragraph 121 guides that an application should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structure.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and on highway safety, with particular regard to pedestrian movements along a pathway and road crossing, 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

8. The appeal site, which is within a predominantly residential area, is located on part of a wide tarmac pathway, which has grass verges to either side and is adjacent to Woodbury Road. There is a range of street furniture, including lamp posts, a bus stop, equipment cabinets, and signage in the area. However, close to the appeal site, the pathway remains open and uncluttered. For these reasons, both the appeal site and the publicly accessible land around it, retain a pleasant open, and spacious character and appearance.
9. I accept that the pole would be the minimum height to fulfil technical requirements and operate effectively and that it would be lower in height than the previously refused scheme on the site¹. However, it would be significantly taller than the closest houses. Furthermore, while existing lamp posts in the area have a vertical emphasis, they are also significantly lower than the proposed street pole and have much slimmer profiles.
10. The street pole and associated infrastructure would be constructed on the pathway. As a whole, the development would be afforded limited screening from the nearest buildings, trees, fences, or other nearby development. Notwithstanding that it would be a muted shade of green, the street pole would be visually prominent when approaching the appeal site along the pathway, Woodbury Road, and the nearby pedestrian crossing. Furthermore, the development as a whole, would clutter the pathway. It would therefore be an incongruous addition to the street scene, which would detract from the quality of the area.
11. For the reasons given above the siting and appearance of the development would cause harm to the character and appearance of the area.

¹ Application reference number 22/01903/TENO

Highway safety

12. The appeal site is close to a pedestrian crossing. I have no reason to doubt that this crossing is well-used, particularly close to school start and finish times.
13. The width of a short section of the ample pathway would be reduced a little by the proposed installation. Nevertheless, the small reduction to the pathway, would not create a pinch-point that would ordinarily restrict the flow of users of the pathway. Moreover, the wide tarmac strip that crosses the grass verge and connects the pathway to the crossing, would be unaffected by the proposed development. Safe and convenient pedestrian access along the pathway would therefore be retained following the implementation of the development.
14. The grass verge between the tarmac pathway and the carriageway along Woodbury Road is a good depth. As such, and given the small extent of the pathway reduction, I have no reason to doubt that safe passage past the installation could be maintained during times of maintenance of the installation.
15. For these reasons, the siting and appearance of the development would not cause harm to highway safety with particular regard to pedestrian movements along a pathway and road crossing.

Alternatives

16. The overall need for the development is accepted. However, the search parameters forming part of the desk-top survey and subsequent physical inspection of the area undertaken by the appellant have not been provided.
17. Furthermore, and despite the built-up nature of the relatively small search area, the appellant has not provided details of any alternative buildings, structures, or masts, within or close to the search area, that could potentially accommodate the electronic communications infrastructure. Nor has compelling justification been provided for the absence of such alternatives. Therefore, and from the evidence before me, I am unconvinced that the use of existing buildings and structures has been sufficiently explored, or that a new street pole is the only and most appropriate solution available. Moreover, very limited and unconvincing justification for discounting a small number of alternative sites for new masts has been provided.
18. For these reasons, I am unable to conclude that there are not less harmful alternative locations for the mobile communications infrastructure within or close to the search area.

Other Matters

19. The proposal is permitted development and the only issues are siting and appearance. Therefore, the benefits associated with the installation, which include improvements to the level of service, coverage, and connectivity, and the upgrading to 5G, have implicitly been accepted. As such, these benefits have not been taken into account in considering the matters of siting and appearance.

Conclusion

20. Although the development would not cause harm to highway safety, this is a neutral consideration. It would cause harm to the character and appearance of the area. Furthermore, it has not been demonstrated that there are no less harmful alternatives within or close to the identified search area.

21. For the above reasons, this appeal is dismissed.

V Simpson

INSPECTOR