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# Appeal Decision

Site visit made on 28 October 2024

**by L C Hughes BA (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 November 2024**

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**Appeal Ref: APP/Y1945/W/24/3344117**

**Marchwood House, Flats 26-48 Crownwheel Court, 9 Park View Place, Watford WD25 9LQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Cornerstone against the decision of Watford Borough Council.
  - The application Ref is 23/00676/FUL.
  - The development proposed is rooftop telecommunications base station installation comprising 3 no. freestanding frames C/W braced antenna poles for 12 no. antennas, 4 no. 300mm dishes, freestanding platform to support radio equipment cabinets (approx. 6 no. total) and associated ancillary works.
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## Decision

1. The appeal is allowed and planning permission is granted for rooftop telecommunications base station installation comprising 3 no. freestanding frames C/W braced antenna poles for 12 no. antennas, 4 no. 300mm dishes, freestanding platform to support radio equipment cabinets (approx. 6 no. total) and associated ancillary works at Marchwood House, Flats 26-48 Crownwheel Court, 9 Park View Place, Watford WD25 9LQ in accordance with the terms of the application, Ref 23/00676/FUL, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 100B – Site Location Maps, 200C – Proposed Site Plan, 300A – Proposed North Elevation, 301A – Proposed East Elevation, 301C – Proposed West Elevation, 302A – Proposed South Elevation, 400C – Proposed Antenna Plan, 250A – Existing North Elevation, 255A – Existing East Elevation, 260A – Existing South Elevation, and 265A – Existing West Elevation.

## Preliminary Matters

2. The Council's reason for refusal referred to the effect of the proposal on the character and appearance of the block of flats 'currently under construction'. I saw from my site visit that the flats had been constructed. I have determined the appeal on this basis.
3. The appellant has submitted additional details of alternative sites considered in its appeal statement of case. I am satisfied that all relevant parties have had the opportunity to comment on these and that no-one's case is prejudiced by my taking them into account.

## **Main Issue**

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

## **Reasons**

5. The proposed development would be on the roof of an attractive, newly built apartment block, situated along the busy A412, St Albans Road, which comprises part of a residential redevelopment of a former bus garage. The proposed installation would be on the central block of flats, which is a five-storey building.
6. The character of the area immediately surrounding the appeal site is predominantly defined by a mix of residential properties of various types and designs, including semi detached properties and apartments. Additionally, Garston Park, a recreational area, lies close to the appeal site, and there are retail and commercial units nearby.
7. The proposal would increase the vertical scale of the apartment block. However, the pole mounted antennas would be dispersed across the roof top, and would not be significantly tall or bulky, with the proposed frames and poles having a relatively sleek appearance which would minimise their visual impact. The proposed freestanding platform would be a similar height as the existing plant room. The equipment would comprise only a small part of the large roof area of the apartment block. Together, these factors would ensure that the proposal would not appear as over dominant or overbearing.
8. Prior to the redevelopment of the site, antenna systems were located in a prominent location on a building at the former bus station, fronting St Albans Road. Whilst the previous antennas may have been unsightly and on a commercial rather than residential development, they were part of the established street scene and very visible along St Albans Road. The proposal would therefore not appear as an alien, or unduly incongruous feature.
9. However, due to the height of the apartment block, and the proposed equipment, the installation would be a visible feature in the skyline from various public vantage points, including from Garston Park, St Albans Road and surrounding residential streets. Notwithstanding the above mitigating factors, by reason of its siting and height the proposal would be obtrusive and would cause limited harm to the character and appearance of the host building and the surrounding area.
10. I therefore conclude that there would be harm to the character and appearance of the area, albeit limited. The proposal would therefore conflict with Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038 (2022) (LP) which seek to ensure that developments make a positive contribution to the character of the area. Furthermore, it would conflict with paragraph 135 of the National Planning Policy Framework (the Framework) which states that decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character, and maintain a strong sense of place.

## **Other Matters**

11. The proposed installation was not included or integrated into the original development scheme. However, I have determined the appeal before me and considered it on its merits.
12. Third parties have suggested that the proposal would be better located on the front apartment block. However, this would be a more prominent and visible location within the wider street scene, and any harm to the character and appearance of the area would be more pronounced.
13. Due to the separation distances between the proposal and neighbouring properties, and its lack of bulk and massing, I do not consider that the proposal would harm the living conditions of neighbouring occupiers with regard to outlook.
14. There is no substantive evidence before me to indicate that the proposal would impact the sale of the properties nor harm the living conditions of future occupiers.

## **Planning Balance**

15. Paragraph 118 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and planning decisions should support the expansion of electronic communications networks, including next generation mobile technology such as 5G. Paragraph 119 encourages the use of existing masts, buildings and other structures for new electronic communications capability.
16. The proposed development would provide continued network coverage and capacity for two network operators. There are significant benefits to the public from being able to access high quality mobile communications. For example, mobile connectivity allows businesses to operate efficiently, allows access to information, and enables people to access services and facilities. The benefits of a high quality communication network carry considerable weight in favour of the proposal.
17. The appellant has undertaken a search for alternative sites within the constrained cell search area. A total of 30 alternative sites were discounted for a number of planning, operational, highway and structural reasons. For example, sites were discounted for reasons including the pitch of the roof being unsuitable for telecommunications equipment; the rooftop being too low to deliver adequate coverage; unresolvable underground services; greater impacts than the proposal; and highway safety concerns.
18. From my on-site observations, and the substantive evidence before me, I have no reason to doubt the legitimacy of the reasons provided as to why the alternatives were discounted in favour of the appeal site and there is no counter evidence before me which would lead me to come to a different conclusion. The lack of realistic alternative options to deliver improved coverage and capacity is a consideration which weighs strongly in favour of the development.
19. I therefore conclude that whilst there would be limited harm to the character and appearance of the host building and the area, this harm would be outweighed by the social and economic benefits which would arise from the

proposed development. Accordingly, I find that material considerations indicate that the appeal should be determined other than in accordance with the development plan in this instance.

### **Conditions**

20. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance. In addition to the standard time commencement condition, I have imposed an approved plans condition in the interests of certainty.

### **Conclusion**

21. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it.
22. For the reasons given above the appeal should be allowed.

*L C Hughes*

INSPECTOR