



Appeal Decision

Site visit made on 21 December 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2022

Appeal Ref: APP/X0360/W/22/3295259

Mill Lane, Earley, Reading RG6 3BL

- 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 Hutchinson Networks (UK) Ltd against the decision of Wokingham Borough Council.
 - The application Ref 212991, dated 28 August 2021, was refused by notice dated 19 October 2021.
 - The development proposed is described as 'Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works'.
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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), 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 principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require that regard be given to the development plan. I have had regard to the policies of the Wokingham Borough Council Core Strategy¹ and MDD Local Plan², as well as the National Planning Policy Framework 2021 (the Framework) but only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposal on a) the character and appearance of the area; b) the living conditions of nearby residential occupiers; and c) whether any harm caused would be outweighed by the need for the installation in the proposed location, having regard to the potential availability of alternative sites.

¹ Wokingham Borough Local Development Framework, Adopted Core Strategy, Development Plan Document, January 2010 (Core Strategy)

² Wokingham Borough Development Plan, Adopted Managing Development Delivery, Local Plan, February 2014 (MDD Local Plan)

Reasons

Character and Appearance

5. The proposed development would comprise a 15m high monopole to which antennas would be attached, along with associated ground level equipment cabinets. The works would be located adjacent to a footpath on a wide grass verge, near the junction of Mill Lane and Toseland Way. The surrounding area is generally residential in nature and is characterised by two-storey dwellings.
6. There is a variety of other street furniture, including, streetlighting, telegraph poles and a bus stop in the near vicinity of the site. The proposal would be viewed in the context of these other vertical elements. Nevertheless, it would remain significantly taller in height, greater in girth and would stand out starkly against the skyline, over and above these surrounding features.
7. There is mature vegetation immediately to the west of the appeal site that would help to largely screen the proposal from that direction. However, due to a lack of any significant vegetation within the grass verge, the proposed development would remain highly prominent from other angles.
8. Additionally, the vegetation to the west of the site includes a nearby Veteran Oak tree. The tree is an impressive specimen and even though it was not in leaf during my visit, it still made a significant positive contribution to the character and appearance of the area. The proposed development due to its overall scale, appearance, and close relationship, would notably detract from the visual amenity provided by the Veteran Oak.
9. Furthermore, concerns have been expressed by the Council regarding the proposal potentially being within the root protection area of the Veteran Oak. As such, it could lead to harm to the health of the tree, including its possible loss. This would further result in great harm to the character and appearance of the area. The loss of the tree would also reduce the level of screening that the appellant identifies as a specific benefit of this location. No robust rebuttal of the potential impacts on the Veteran Oak have been provided by the appellant (e.g. through an arboricultural impact assessment).
10. The appellant has stated that the least intrusive equipment for the proposed development has been specified. A willingness has also been expressed to accept a condition in relation to the finish colour of the development, so it may more appropriately harmonise with its surroundings. Whilst this may lessen the overall impact, I do not consider that the concerns regarding the monopole's height, design and potential impacts on the veteran tree would be alleviated by a specific finishing colour. In any case, the GDPO does not provide any specific authority for imposing additional conditions other than standard conditions set out in Class A.
11. Due to the above factors, and despite the lack of any statutory area designation, the siting and appearance of the proposal would result in significant harm to the character and appearance of the area.

Living Conditions of Neighbouring Residents

12. The proposal would be sited approximately 5m from the rear gardens of the nearest residential properties on Dunholme Close and approximately 15m from the rear elevations of those properties. There is currently some intervening vegetation between the appeal site and these residential properties. Nevertheless, due to the overall scale of the proposal and the intimate relationship it would share with the dwellings, it would result in a dominant and overbearing feature. Particularly when viewed from the rear upper floor windows and garden spaces of the adjacent residential properties.
13. As such, it is considered that the development would cause significant harm to the living conditions of neighbouring residents.

Availability of Alternative Locations

14. Paragraph 117 of the Framework requires that applications for telecommunications development, including prior approval, should be supported by necessary evidence to justify the proposal. This should include, for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. Due to the proposal's potential harm, it is important that an appropriate search of alternative sites has been undertaken to justify the proposal.
15. The appellant has provided a map of the cell search area and given the requirements of 5G, I accept the area suitable for the proposal is constrained. Nonetheless, the appellant has highlighted several alternative locations for the appeal scheme, which have then been discounted for a variety of reasons. This includes issues of insufficient pavement width, proximity of underground services and overhead cables.
16. Whilst these alternative sites may have been discounted for legitimate reasons, there is a lack of robust evidence to support the appellant's claims. For example, no specific details of the underground services have been provided (in relation to alternative location 'D2'). There are also no specific details to illustrate whether or not overhead cables could be avoided (in respect to alternative location 'D4'). Additionally, alternative locations 'D7' and 'D8' were discounted due to pavement widths without any precise explanation, especially since there appeared to be potentially suitable grass verges near both locations. As such, from the evidence before me I am unable to confirm whether the highlighted constraints would prevent the proposed development taking place at these alternative sites.
17. I am therefore not persuaded that the appellant has suitably explored all potential available alternative options. Accordingly, less harmful alternative sites may exist.

Other Matters

18. I recognise that there are various social and economic benefits associated with the proposed development. However, the GPDO is clear that consideration of the appeal is limited to matters concerning siting and appearance only. Accordingly, these wider benefits have not been taken into account.
19. The appellant has referred to a lack of response to its pre-application enquiry and that the local planning authority (LPA) did not suggest any alternative sites

for the proposal. However, it is disputed by the LPA that a formal pre-application request has been made. In any case, I do not consider the lack of a response impacts on the merits of the appeal scheme, while it is not the role of the LPA to identify appropriate sites for the proposal.

Conclusion

20. The proposed siting and appearance would cause significant harm to the character and appearance of the area as well as the living conditions of nearby neighbouring residents. Additionally, the appellant has not sufficiently demonstrated that less harmful alternative sites are not available. Accordingly, the need for an installation in this location does not outweigh the identified harm.

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

Lewis Condé

INSPECTOR