



Appeal Decision

Site visit made on 16 May 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2023.

Appeal Ref: APP/X0360/W/22/3310570

Area of Grass Verge, Wokingham Road, Earley, Wokingham RG6 7EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Wokingham Borough Council.
 - The application Ref 221636, dated 27 May 2022, was refused by notice dated 13 July 2022.
 - The development proposed is 5G telecoms installation: H3G Phase 8 high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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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 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 principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 does not require regard to be had to the development plan. The Council reasons for refusal refer to policies of the Wokingham Borough Local Development Framework Core Strategy (January 2010) and the Wokingham Borough Development Plan Managing Development Delivery Local Plan (February 2014) (MDD). I have had regard to these policies and the National Planning Policy Framework (the Framework) 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 i) the character and appearance of the area, and ii) the living conditions of nearby occupants with regard to outlook; and if any harm would occur, whether it would be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

Character and appearance

5. The site is within a grass verge between Wokingham Road and a parallel access road which serves a row of two storey semi-detached dwellings. The verge features mature trees spaced at regular intervals which gives the area a pleasant verdant character. There are other street furniture items in the vicinity of the site, including bus stops, street signage and telegraph poles, as well as street lighting on the opposite side of the road only.
6. The proposal would be viewed in the context of these other street furniture items and telecommunication installations are not uncommon on busy roads. Nevertheless, context is important, and the mast would be significantly wider and taller than other vertical elements, in an area characterised by modest, two storey built form. The bottom section of the mast would be partially screened by trees when travelling west or east along Wokingham Road, but the prominent top section would be significantly higher than surrounding buildings, modest street furniture and trees, resulting in a bulky and intrusive element against the skyline. When viewed from closer to the site, the trees would provide almost no screening. Regardless of whether or not the cabinets would be permitted development, along with the mast base they would add visual clutter to an area of the grass verge which is currently open and free of such items. Colouring the equipment green may lessen the visual impact to a minor extent but would not alter the fundamental issues of scale, height and siting.
7. The mast and cabinets would be sited between trees which make an important contribution to the character and appearance of the area. The site is also part of a designated green route enhancement zone, where Policy CC03 of the MDD specifies that development should protect and enhance green infrastructure. Consequently, any tree loss would result in harm to the character and appearance of the area and would fail to protect the green route. In addition, any tree loss or damage would reduce the modest screening benefits the trees would provide. The appellant has not provided any arboricultural assessment to demonstrate that the proposal could be achieved whilst protecting the nearby trees. Therefore, I have insufficient evidence to conclude that the proposal would not result in the loss of or damage to one or more trees and the inherent impact on character and appearance.
8. The trees are not subject to a Tree Preservation Order (TPO) but as the site is highways land, not private land, the Council already have control over the trees. Therefore, the lack of a TPO is not unusual, or an indication that the trees do not make an important contribution to the visual amenity of the area.
9. As a consequence of the factors set out above, despite the lack of any statutory designations, the siting and appearance of the proposal would result in significant harm to the character and appearance of the area.

Living conditions of nearby occupants with regard to outlook

10. The proposal would be sited directly in front of two dwellings on Wokingham Road. The main front outlook from these dwellings would be dominated by the mast and cabinets, at close proximity, with no significant intervening features to provide screening and set against a backdrop of other two storey dwellings and only one modest streetlight.

11. Given the proximity and the context, the proposal would be significantly detrimental to the outlook from these dwellings. Therefore, the siting and appearance of the proposal would result in a dominant and overbearing feature within the main outlook of the nearest dwellings on Wokingham Road, causing unacceptable harm to the living conditions of the occupants.

Alternative sites

12. The appellant has set out the need for the proposal to fill a gap in coverage in the area. The Government's support for such proposals is clear with paragraph 114 of the Framework establishing that decisions should support the expansion of electronic communications networks including next generation mobile technology such as 5G. These matters weigh heavily in favour of the proposal.
13. However, the conditions set out under A.2(1)(b) of Part 16, Class A of the GPDO require that the visual impact of the proposal on the area is minimised, so far as practicable. In addition, paragraph 115 of the Framework states that new equipment should be sympathetically designed and camouflaged where appropriate, with paragraph 117 requiring the possibility of erecting new equipment on buildings and other masts and structures to be explored. Therefore, taking into account my conclusion of harm regarding character and appearance and living conditions, I need to consider the availability of other suitable and potentially less harmful siting options.
14. The appellant has provided a map of the cell search area, which I have no reason to question and given the requirements of 5G, I accept that the area is constrained. No substantive evidence has been presented regarding possible buildings, other structures, or mast sharing options that were explored or why they were discounted.
15. Brief information has been provided on 6 potential alternative sites which were considered but discounted due to stated issues with proximity to dwellings, pavement width and visibility splays. However, the appellant has provided no detail on the extent of the potential issues. Submissions from the Council and other objectors suggest that some of the discounted options would be further from dwellings while not impacting negatively on highway safety. On the basis of the evidence provided, alongside my site visit observations, I am unable to conclude whether the discounted options would be more or less harmful than the proposal subject to this appeal.
16. The issues identified above place considerable doubt over whether the appellant has fully and properly considered alternative site options. Therefore, I do not have clear and persuasive evidence that, in all likelihood, there are no other sites available, that would be more suitable and less harmful than the proposed.

Other Matters

17. I acknowledge that there would be various social and economic benefits. Despite this, the GPDO is clear that the only considerations should be the siting and appearance of the proposal.

Conclusion

18. The need for an installation to provide coverage in this area weighs in favour of the appeal. However, I am in no doubt that the proposed siting and appearance would be harmful to the character and appearance of the area, and to pedestrian safety. It has not been demonstrated that less harmful alternatives have been fully explored. Consequently, the need for the installation in this location does not outweigh the harms identified. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen Davies

INSPECTOR