



## Appeal Decision

Site visit made on 29 August 2018

**by Rory MacLeod BA MRTPI**

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

**Decision date: 17 October 2018**

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**Appeal Ref: APP/L1765/W/18/3197522**

**Land at junction of Andover Road and Athelsan Road, Winchester SO23 7RY**

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by CTIL & Vodafone Ltd against the decision of Winchester City Council.
  - The application Ref 17/01930/TCP, dated 21 July 2017, was refused by notice dated 13 September 2017.
  - The development proposed is installation of a 17.5m pole, supporting 3 no antenna, associated ground based equipment cabinets and ancillary development thereto.
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### Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 17.5m pole, supporting 3 no antenna, associated ground based equipment cabinets and ancillary development at land at the junction of Andover Road and Athelsan Road, Winchester SO23 7RY in accordance with the terms of the application Ref 17/01930/TCP, dated 21 July 2017 and the plans submitted with it.

### Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and, in the event that any harm is identified, whether that harm would be outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

### Reasons

#### *Character and appearance*

3. Within certain limits, the General Permitted Development Order (GPDO) grants permission for the development of telecommunications equipment subject to a prior approval procedure. Planning Practice Guidance explains that this is a "light-touch" process compared to an application for planning permission. There is no dispute between the parties that the proposal falls within the remit of Schedule 2, Part 16, Class A. Therefore, in accordance with the provisions of Class A.3 (3), there is a requirement to assess the impact of the proposal's siting and appearance on the local area.

4. The site is located on Andover Road, a busy road with rising land levels to the north of the site and with falling land levels to the south towards Winchester. The surrounding area is of mixed character including an open car park and residential areas to the east and a retail park and railway line to the west. The proposal would be sited within a section of the footway where the kerb has been built out alongside a pedestrian crossing on Andover Road. The pole would be located within the kerb build out whilst the two cabinets would be sited on the back edge of the footway.
5. There are several vertical structures along this part of the road including street lamps, telegraph poles, street signs and traffic lights, but at 17.5m, the pole would be considerably higher than any of these. Its additional width compared with other structures would also result in the pole appearing as a conspicuous feature. Whilst from some viewpoints a backdrop of trees would soften the appearance of the pole, from other locations along Andover Road, it would appear as a prominent feature. Its siting on the kerb build out close to the road carriageway would add to this prominence when viewed from positions closer to the site. Although such poles and associated cabinets are becoming more commonplace, the height of the proposed pole and its prominent siting would not assist its assimilation into the street scene when viewed from close quarters. There would therefore be some harm to the character and appearance of the area.
6. The Council's appeal statement refers to Policy WIN3 of the Winchester Local Plan Part 2 (2017) (LPP2), a policy not included in the decision notice, relating to important views including of Winchester Cathedral and St Catherine's Hill. Whilst the pole would be seen against the skyline, there is not an uninterrupted view of these features from the approach to the appeal site. Given the separating distances and that buildings, trees and other similar vertical structures also filter views towards these features, the proposal would not have a significant effect on any important views that Policy WIN3 seeks to protect.
7. There would be a pinch point of about 1.2m in the width of the footway between one of the cabinets and the southern edge to the kerb build out. To the south of this the footway would have a width in excess of 2m whilst to the north, where the kerb is built out, the width would be about 4m. The site is by a pedestrian crossing and near to a school and play ground, so there may be occasions when there are many pedestrians and some with prams or push chairs passing the site. But even allowing for such heavy pedestrian flows, the limited extent of the narrowing of the footway would not result in a significant obstruction, particularly given the much wider footways that would remain to either side of the proposal.
8. The appellant has drawn to my attentions several allowed appeal decisions in which there has been an assessment of the effect of a telecommunications pole on the character and appearance of the area. The height of the pole proposed and the characteristics of the areas surrounding these development sites vary from site to site. The circumstances of each proposal have to inform the assessment of the individual merits of each case. Whilst mindful of these decisions, my findings are that the siting and appearance of the pole proposed in this appeal would nonetheless result in some harm to the character and appearance of the area due to its contrast in scale in relation to other linear features nearby and the pole's prominent siting.

*Benefits and planning balance*

9. The Government places a high priority on the provision of high quality communications. The National Planning Policy Framework (the Framework) at Paragraph 112 states, "*Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections*". In this instance, the proposal is not so much seeking to provide significantly higher standards but to maintain recent local provision of 2G, 3G and 4G services as a result of a notice to quit from a nearby site that was providing these services. The Council has commented that service provision would be 'adequate' without the proposal, but the appellant has an obligation to provide not only appropriate coverage but also capacity for the network. I attach significant weight to the public benefit arising from the continuation of local service provision.
10. It is then relevant to consider available evidence as to whether these benefits could be achieved by siting a telecommunications pole and cabinets elsewhere with lesser harm to the character and appearance of the area, and without significant harm arising in other respects. The appellant has installed a temporary mast farther north along Andover Road on the corner with Bereweke Road. This is currently maintaining service provision, but the appellant has commented that this site would provide insufficient coverage and capacity for a permanent installation.
11. I note that following the withdrawal of an earlier application for an installation at the appeal site, there followed a site meeting and dialogue between the Council and the appellant on alternative sites for the required facility. The Council suggested a rooftop installation at Elizabeth Court, but the building turned out not to be available. The appellant has submitted a list of alternative sites investigated including on railway land, on street and at green field sites, but all have been discounted. The Council has not challenged these findings or suggested any additional sites to investigate. There has been opportunity for dialogue on this issue and I have no evidence to suggest that there is a more viable option than the appeal site for the required facility.
12. The question then arises could a development with a lesser impact reasonably be provided on the site other than that proposed? The appellant has demonstrated that the pole's height would be necessary to clear obstructions to signal from trees and buildings. Its width would be the minimum necessary to support the antennae at the top of the pole. The cylindrical shroud to contain the antennae would be the widest part of the structure, but would nonetheless have a compact form, sufficient to meet operational requirements. Furthermore, it would also have the benefit of supporting the networks of two mobile phone companies. Such mast sharing is consistent with the Government's aim to keep the number of sites for such installations to a minimum consistent with the needs of consumers.
13. Having regard to all relevant considerations, including national planning policy and the potential availability of alternative sites, my findings are that the proposal's public benefit in maintaining and enhancing local telecommunication coverage and capacity would outweigh the limited harm arising to the character and appearance of the area.

14. Policy DM22 of the LPP2 is the only local planning policy expressly dealing with telecommunication matters. As the proposal would facilitate site sharing, and minimise the local impact of the pole and associated cabinets, there would not be any substantive conflict with this policy. The proposal would also be compatible with Policy CS13 of the Winchester District Local Plan Part 1 relating to high quality design and with Policies DM15 and DM16 of the LPP2 in relation to local distinctiveness and site design criteria.

*Other Matters*

15. There have been several representations against the proposal from local residents, mainly raising issues that I have addressed above. Some have expressed concerns about the impact on visual amenity for the nearest residential buildings in Athelstan Road. Having regard to the separation distances, the orientation of these buildings and the presence of intervening trees, there would not be a materially detrimental impact on living conditions or on outlook at these dwellings.
16. Concerns have been raised about the potential effect on health arising from the monopole's proximity to residential properties and to schools and a play area. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances the Framework advises that health safeguards are not something for a decision maker to determine.

**Conclusion**

17. Whilst I acknowledge that there would be limited harm to character and appearance of the area from the siting of the pole, this would be outweighed by the public benefits arising from the proposal. For the reasons given, and having regard to all other matters raised, the appeal is allowed subject to the standard conditions set out in Paragraph A.2 to Part 16 of the GPDO.

*Rory MacLeod*

INSPECTOR