



Appeal Decision

Site visit made on 26 September 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2023

Appeal Ref: APP/K0425/W/22/3309595

Plomer Green Lane Street Works, High Wycombe HP13 5LR

- 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 Gallivan on behalf of CK Hutchison Networks (UK) Ltd against the decision of Buckinghamshire Council.
 - The application Ref 22/06821/PNP16A, dated 1 July 2022, was refused by notice dated 24 August 2022.
 - The development proposed is 5G telecoms installation: H3G street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of 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.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to the policies of the development plan 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 proposed installation on the character and appearance of the area, 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

5. The appeal site is an open parcel of land at the junction of Plomer Green Lane and Littleworth Road. The land is grassed and contains a bench, planter, village

sign, information board and the rear boundary is well vegetated. There is a footpath that runs through the centre and separates two areas of grass. The area surrounding the appeal site is predominantly residential and there is a shop with parking nearby.

6. The appeal site is in a prominent position which is particularly visible when travelling towards the site from Plomer Hill. The Council suggest that the parcel of land is well used by the community and for local events, and it provides an attractive focal point upon entering the village. There is a general lack of street furniture near to the site with only sporadic lampposts and telegraph poles, which results in the site being free from development and gives the area an open and verdant character and appearance.
7. The proposal would be located towards the front of this parcel of land, in a prominent position which would be visible on approach from Plomer Hill. The mast would be 15m high and while I note that the appellant suggests that this would not be out of scale due to the presence of three and four storey flatted development within the area, no such flatted development is within proximity of the site. Instead, the houses nearby are two storeys which the mast would be taller than. I appreciate that the mast would be the minimum height to provide a 5G service. However, for the reasons outlined, the mast would stand out as a jarring feature and erode the open character of the area.
8. The width of the mast would also be greater than the limited street furniture nearby such as the telegraph pole to the rear of the site and lampposts. The proposed cabinets located to the side would increase the overall bulk of the proposal resulting in a prominent feature on the street scene.
9. The proposal would be coloured grey and while this represents a functional colour that would blend into a more urban setting, the lampposts and signage within the immediate vicinity of the site are coloured green which would mean the proposal would stand out as alien in this context.
10. The vegetation to the rear of the site would provide some screening from long distance views on approach from Littleworth Road and Plomer Green Lane. However, the top of the mast would be a greater height than the vegetation and it would also not provide any screening on approach from Plomer Hill. Furthermore, the screening from vegetation would be further limited in the winter months when leaf cover would be less.
11. The proposed mast would be very close to a tree and while the Council have provided no technical evidence that damage could be caused to its roots, it is logical, due to the proximity that this could occur. The appellant has not demonstrated that the mast could be installed without damaging the tree roots and as such I cannot be sure that damage would not be caused. The tree is an important aspect of the verdant character and appearance of the area. The increased risk to the longer-term health of the tree could have a further damaging effect on the greenness of the area and as such, its loss would erode this.
12. I therefore conclude that the development would harm the character and appearance of the area. It would, insofar as they are relevant, be contrary to policies CP9, DM20 and DM35 of the Wycombe District Local Plan Adopted August 2019. Amongst other things, these seek to ensure developments achieve a high quality of design which contributes positively to making places

better for people and improve the character of the area and the way it functions.

Need and alternative sites

13. The appellant's alternative site assessment suggests that there are constraints associated with other new mast locations within the search area. The reason the other sites have been discounted are proximity to residential housing, overhead powerlines and insufficient pavement widths.
14. I note the reasoning behind discounting the sites shown with the submission however I am not convinced that the search area has been properly explored. In particular, I note that the map shows open areas which do not appear to have been explored. Furthermore, while the site marked D2 was discounted due to pavement width, it is opposite a green space which the Council have suggested could be suitable and has not been disputed by the appellant. The proposal would also likely include the removal of a tree which none of the other sites were discounted for, so it is not clear why these sites are considered to be more harmful. I therefore cannot be sure that the appeal scheme is the most suitable in terms of its siting and appearance.
15. Paragraph 117 of the Framework advises that for new telecommunication masts such as the proposal, applicants should provide evidence of the possibility of erecting antennas on an existing building, mast or other structures. In this case the appellant suggests that there are no suitable structures, which appears reasonable in a residential area.
16. There is support in the Framework and by the Government for high quality communications, and advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. In this regard, policies and decisions should support the expansion of the communications network, and the delivery of 5G infrastructure is specifically referenced. The Council also recognise the importance of reliable and efficient digital communications. The public benefits therefore weigh substantially in favour of the proposal.
17. In summary, the proposal would unacceptably the harm to the character and appearance of the area. This attracts significant weight against the proposal. I am also not convinced that there are no alternative sites for the proposal. For these reasons, I do not consider the harm identified is outweighed by the need for the installation to be sited as proposed or the public benefits. I therefore find the siting and appearance of the proposed development to be unacceptable.

Other Matters

18. The appeal site is not located within a Conservation Area and the nearby trees are not protected by any Tree Preservation Orders. I also note that the Council have raised no concern about impacts on pedestrians using the footpath or the living conditions of the occupiers of nearby properties, for which I have no reason to conclude otherwise. However, these are neutral factors that do not outweigh the harm I have found.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR