



Appeal Decision

Site visit made on 26 June 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 August 2023

Appeal Ref: APP/W1715/W/22/3312540

Land on Corner of Belmont and Wiltshire Road, Chandler's Ford, Hampshire

- 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 Hutchison Networks (UK) Ltd against the decision of Eastleigh Borough Council.
 - The application Ref PN/22/93378, dated 6 July 2022, was refused by notice dated 6 September 2022.
 - The proposed development is a 5G telecoms installation: 15m street pole and 3 additional ancillary equipment cabinets and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The addresses on the application form and appeal form are imprecise. Therefore, I have used the address on the decision notice as it reflects the location of the site as shown on plan ELH066/86351/SO0619 Issue A 002.
3. The principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order). Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) of the Order require the local planning authority to assess the proposed development solely based on its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
4. I have also had regard to the development plan only insofar as its policies are material considerations in respect to the prior approval matters.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area, including the effect on trees; 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

6. The appeal site is adjacent to a footpath which cuts across an area of open space at the junction of Belmont Road and Wiltshire Road. This open space forms part of the wider pattern of informal grassed areas which line the roads and delineate the junctions of this largely residential area. These spaces contain various modestly sized trees which in the main do not extend above the predominantly 2 storey houses which are located behind the grassed areas. The trees add interest and character to the open spaces and include the cherry tree adjacent to the appeal site. The combination of informal grassed area and trees gives the areas a somewhat verdant appearance and suburban character.
7. The street furniture within the area is limited to streetlights, phone lines and street signs. There is also a bin and bench near the appeal site and a bus stop further down Wiltshire Road. Nevertheless, the street furniture is generally smaller in scale than the surrounding buildings and so the main focal points of the area are the trees and informal open spaces.
8. The proposed monopole would be more than double the height of the existing street furniture, trees, and buildings, so would be at odds to the area's residential scale. It would be visually dominant due to its angular form, girth of the monopole and overall bulk and the existing trees, due to their modest size, would not provide sufficient screening for that proposed. Nor would its visual impact be mitigated by the proposed green finish. The visually obvious siting of multiple structures adjacent to a footpath, and the bulky and industrial appearance of the proposal would therefore be harmful to the character and appearance of the open space, degrading its positive contribution to the surrounding area.
9. The presence of a small green coloured utility box on the opposite side of Wiltshire Road is noted but is not comparable in size to that proposed, is to one side of the associated open area, and does not compete visually with the surrounding trees or street furniture.
10. The Council's tree officer considers that the proposal is likely to affect the health of the nearby cherry tree. Although the appellant has relied on the proximity of existing trees to screen the proposal, they have not submitted any specific technical assessment of the potential effect the proposal could have on those trees to support their case. Therefore, taking a precautionary approach to the issue, I am not satisfied that the evidence demonstrates that the location of the proposal would not have a harmful effect on the health of the cherry tree, to the detriment of the character and appearance of the area.
11. Taking the above into account the appearance and siting of the proposal would harm the character and appearance of the area. This is evidenced by its lack of compliance with Policies DM1, of the Eastleigh Borough Local Plan (LP), paragraph 115 of The National Planning Policy Framework (2021) (the Framework), and the Council's Tree and Development Supplementary Planning Document insofar as they relate to the character and appearance of an area including the potential aesthetic contribution of existing trees.
12. The Council has referred to LP Policy DM11 which seeks to protect, conserve, and enhance nature with specific regard to protected habitats and features. As

there is nothing stating the cherry tree or appeal site is protected, this policy has not formed part of my considerations.

Need and alternatives

13. The proposal would provide 5G coverage for the wider area, and the improvement of communication networks is supported at both a national and local level. However, paragraph 117 of the Framework requires that the necessary evidence to justify the proposed development is made available including that other possible sites have been explored. A requirement drawn down into the LP, specifically policies S4 3(e) and DM9.
14. According to the appellant this is an extremely constrained cell search area, leaving only 6 potential options. 5 of these have been discounted for a variety of reasons including proximity to residential dwellings, narrow pavements, highway safety at a junction and overhead power lines. No evidence has been submitted to show how these discounting factors led to the rejection of the other 5 sites and why these factors are not limiting to the site in question, which is also similarly close to residential dwellings, adjacent to a narrow pavement and at a road junction, as observed during my site visit. Accordingly, I am unconvinced that this specific site is the only appropriate location for installation within the area in question and that the harm found would not be equivalent or less on a site elsewhere.
15. I am not, therefore, convinced that the need for this location or investigation of alternative sites is sufficient to justify the harm caused to the character and appearance of the area by the proposal's siting and appearance.

Other Matters

16. Various social and economic benefits have been referred to but given the scope of the Order regarding development under this particular class, these are matters which I am unable to take into account.
17. 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 which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conclusion

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

RJ Redford

INSPECTOR