



Appeal Decision

Site visit made on 28 July 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2023

Appeal Ref: APP/B1605/W/23/3317776

Glenfell Way street works, Glenfell Way, Cheltenham GL52 6XX

- 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 Mr Gallivan, Cignal Infrastructure UK Limited (formerly known as CK Hutchison Networks (UK) Limited), against the decision of Cheltenham Borough Council.
 - The application Ref 22/02190/PRIOR, dated 15 December 2022, was refused by notice dated 3 February 2023.
 - The development proposed is described as 'Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development and appellant details in the banner heading above have been taken directly from the original planning application form.
3. Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) of the GPDO 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.
4. The relevant provisions of the GPDO also do not require regard to be had to the development plan. Accordingly, I have had regard to development plan policies only insofar as they are a material consideration relevant to matters of siting and appearance. They are not, in themselves, determinative.

Main Issue

5. The main issue in this appeal is therefore the effect of the proposed development on the character and appearance of the area, and if any harm is identified whether that harm would be outweighed by the need to site the installation in the location proposed.

Reasons

Character and Appearance

6. The appeal site is located to the north-west side of Glenfell Way between its junctions with Carisbrooke Drive and Lawrence Close. The proposed development would be located within a grass verge located to the side of the

- vehicular highway and also alongside a pedestrian footpath. Two mature trees are sited close to the appeal site, either side of the proposed installation.
7. The surrounding area is generally residential in nature and is characterised by primarily two-storey dwellings, although a primary school also sits approximately 100m to the north-east of the site. Despite its suburban nature the area has a rather verdant character, due to the presence of mature trees and vegetation, as well as grass verges, along the roadside.
 8. The proposed development would comprise a 16m high monopole to which antennae would be attached, along with associated ground level equipment cabinets. The proposal would be of a functional appearance, typical of telecommunications equipment that is generally found in urban and suburban areas.
 9. The proposal would be significantly taller than the surrounding residential dwellings. The monopole would be viewed in the context of other vertical elements, including the nearby streetlights and mature trees. However, it would still be taller and of greater girth than the streetlighting and therefore a more imposing structure within the streetscene.
 10. The close proximity of mature trees would help to screen the proposed development reducing its visual impact, particularly from longer distances. Nevertheless, due to its overall scale and appearance of the proposed monopole and antennae, it would still appear as a prominent and somewhat jarring feature in the streetscene, especially when trees are not in leaf. The proposed cabinets would also add visual clutter to the streetscene.
 11. Despite the lack of any statutory area designations, having regard to its siting and appearance, the proposed development would result in moderate harm to the character and appearance of the area.

Alternative Sites

12. 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 potential harm to the character and appearance of the area, it is important that an appropriate search of alternative sites has been undertaken to justify the proposal.
13. The appellant has provided a map demonstrating the cell area for the proposal and has identified a limited number of potential alternative sites within this identified area. Whilst I do not doubt the need for the proposal, and that the cell area may be highly constrained, there is a lack of robust evidence before me to demonstrate how the extremely limited search area has been identified. For example, I have no specific details of the location of existing masts/antennae in the wider vicinity, and if there is any existing infrastructure what area this covers and corresponding capacity levels.
14. Additionally, the appellant has provided reasons as to why the alternative sites within the identified cell area are inappropriate. Whilst these alternative sites may have been discounted for legitimate reasons, the appellant's justifications are brief and unsupported by any further evidence to suggest why they would

be more harmful than the appeal scheme, or are not viable. For example, each of the alternative sites have been discounted due to concerns surrounding highway visibility splays, but no detailed information (e.g. visibility splay drawings) has been provided to demonstrate the likely impacts on highway safety would be any greater than at the proposed appeal site.

15. The appellant has also discounted three of the alternative sites as they were not on adopted highway, but I have no details as to whether the appellant has engaged with the relevant landowners about use of the sites. As such, I am unable to determine whether these alternative sites are not viable or merely less convenient for the appellant.
16. In the absence of clear and persuasive evidence as to how the cell area has been selected and why alternative sites within the cell area have been discounted, I am unable to establish that the appeal scheme is the most suitable in its siting and appearance.
17. Overall, the development proposed would cause harm to the character and appearance of the area, and I am not satisfied that less harmful alternatives have been properly explored. For these reasons I find the siting and appearance of the proposed development to be unacceptable.

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 scale of the proposed monopole is indicated by the appellant as being the minimum necessary to meet its technical requirements. It nevertheless remains that it is of a size, appearance and siting that would result in harm to the character and appearance of the area.

Conclusion

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

Lewis Condé

INSPECTOR