



Appeal Decision

Site visit made on 20 February 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2024

Appeal Ref: APP/C1760/W/23/3327478

Salisbury Road, Floral Way off Salisbury Road, Andover SP10 2UE

- 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 Cornerstone against the decision of Test Valley Borough Council.
 - The application Ref 23/00066/TELN, dated 6 January 2023, was refused by notice dated 28 February 2023.
 - The development is the proposed installation of a 20m monopole comprising 6 no antennas and 2 no dishes together with 3 no ground based cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for installation of a 20m monopole comprising 6 no antennas and 2 no dishes together with 3 no ground based cabinets and ancillary development thereto at Floral Way off Salisbury Road, Andover SP10 3PR in accordance with the application Ref 23/00066/TELN and the details submitted with it including drawing numbers 100 Rev A, 200 Rev A, and 300 Rev A.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 - as amended (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. I have determined this appeal on the same basis.
3. For clarity, within this decision letter the road which is variously described as either Salisbury Road or Stockbridge Road, is referred to as Salisbury Road.
4. The site address within the formal decision has been altered to more accurately reflect its location.

Planning Policy

5. The principle of development is established by the GPDO, and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, policies E1 and

COM15 of the Test Valley Borough Council – Local Plan dated 2016¹ (the Local Plan) are material considerations insofar as they relate to issues of siting and appearance. Policy E1 of the Local Plan seeks to ensure that development is of a high quality. Amongst other things, it indicates that development should; integrate, respect, and complement the character of the area, and should not interrupt important views. Local Plan policy COM15 relates to infrastructure. Within the supporting text to this policy, it is indicated that some infrastructure can have an impact on the character and amenity of the area, and that it can be visually intrusive in layouts.

6. The National Planning Policy Framework (the Framework) is also a material consideration, in relation to issues of siting and appearance. Framework paragraph 119 - which forms part of the chapter titled supporting high quality communications - states that the number of radio and electronic communications masts and the sites for such installations should be kept to a minimum. Paragraph 121 then indicates that applications for electronic communication equipment should be supported by the necessary evidence to justify the proposed development. 121. c) requires evidence that the possibility of erecting antennas on an existing building, mast, or other structure has been explored.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

8. The appeal site is within a largely built-up area, within which buildings are typically of varied but generally low heights. In addition to the buildings, the road network; streetlamps; telegraph poles; and trees, are all distinctive features of the local area.
9. The proposed mast (of a street pole-type design) and associated equipment would occupy the rear of a section of pavement. They would be erected very close to a series of similarly located recycling receptacles which together form a local recycling centre. These receptacles are of similar sizes and heights as the proposed cabinets.
10. Lampposts and telegraph poles are frequently located along Salisbury Road, and lampposts are regularly and fairly closely spaced along Floral Way close to the appeal site. As such, vertical structures are common in the nearby street scene.
11. The proposed mast would be taller and wider than the many nearby streetlamps and telegraph poles. Notwithstanding this, the whole installation would be tucked back to the rear of the pavement, where it would be viewed in conjunction with the existing and varied built development around it. As such, and given the prevalence of existing vertical structures in the nearby streets, and the collection of neighbouring recycling receptacles - which have an industrial-type appearance - it would not appear alien or incongruous. Nor would it result in visual clutter that would be detrimental to the character and appearance of the street.

¹ The Test Valley Borough Council – Test Valley Borough Revised Local Plan DPD Adopted Local Plan 2011-2029 – dated January 2016

12. Trees within the area are often considerably taller than nearby buildings. Nevertheless, the installation would be visible from locations within nearby streets. However, in such views, it would be framed by trees that are not significantly shorter than the proposed mast, and which would serve to camouflage a large proportion of it. Thus, although it would be taller than the surrounding vegetation and buildings, it would not appear harmfully prominent or excessive in scale in such views.
13. For the reasons previously given, the siting and appearance of the proposed installation would not harm the character and appearance of the area.

Other Matters

14. The evidence indicates that sites within the northern cell search area would not provide the necessary coverage, and I have no compelling reason to doubt this. Several existing buildings and a potential mast-sharing location within the southern cell search area have also been discounted by the appellant. Albeit occupying fairly large ground areas, the buildings at sites 10, 11, and 25 (as identified within the appellant's statement) are all of relatively limited height. The erection on these buildings, of dishes and antenna at heights similar to that subject of this appeal, would require tall structures to be erected above the height of their roofs. Such installations would be incongruous with the general scale and appearance of these buildings. As such, and in terms of their siting and appearance, these existing buildings would not provide preferable alternatives to the development subject of this appeal. Even if it were possible to mast share at site 24, I am advised that this is a temporary mast. Consequently, there is no certainty that it would meet the needs of the appellant in the longer term.
15. Given that the siting and appearance of the proposed installation would not cause harm to the character and appearance of the area, it is not necessary to take into account other suitable alternative sites that could potentially accommodate a new mast or base station.
16. In determining the appeals on the pavement o/s 190 Reservoir Road² and at Oakwood Chapel³, the Inspectors found that the proposed developments would cause harm to the character and appearance of the area. That conclusion has not been reached in this case, and as such those schemes are not directly comparable with that subject of this appeal.
17. Even if the request for pre-application advice did not follow the Council's standard pre-application advice procedure, and notwithstanding the Council's subsequent refusal to grant prior approval, for the reasons previously given, the development has been found to be acceptable.

Conditions

18. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators, contained within it. These specify that the development must; be carried out in accordance with the details submitted with the application; begin within 5 years of the date of the approval; and be removed as soon as reasonably practicable after it is no longer required for

² APP/P4605/W/23/3317584

³ APP/N1540/W/23/3315332

electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

V Simpson

INSPECTOR