



Appeal Decision

Site visit made on 2 June 2009

by J Chance BSc DipTP MRTPI

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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**Decision date:
10 June 2009**

Appeal Ref: APP/R1845/A/09/2098749

Footpath adjacent to Wolverley Road, Franche, Kidderminster, Worcestershire DY11 5BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Vodafone against the decision of Wyre Forest District Council.
- The application Ref 08/3008/TE, dated 26 October 2008, was refused by notice dated 19 December 2008.
- The development proposed is described as "Vodafone 3G cell site A 12m mast supporting 3 antennas in a Glass Reinforced Plastic (GRP) shroud, giving a total height of 14.7m AGL. The proposal includes a single equipment cabinet and associated works".

Decision

1. I dismiss the appeal.

Procedural Matters

2. Although the description on the application is as given above, the description on the appeal form is "Proposed 12 metres high street pole accommodating 3No antennas within a GRP shroud, giving an overall height of 14.43 metres. The proposal also includes the installation of a ground based equipment cabinet and ancillary development." I have taken this into account in my determination of the appeal.

Main issues

3. The main issues are:
 - (a) the effect of the proposed development on the character and appearance of the area; and
 - (b) the effect of the proposed development on the living conditions of the occupiers of Nos 107 – 108a Wolverley Road, paying particular attention to visual impact.

Reasons

Effect on Character and Appearance

4. The proposed site is at the back edge of the footpath on the south east side of Wolverley Road not far from the roundabout junction of that road with Franche Road, Habberley Lane and Bridgnorth Road. The proposal includes a slimline

monopole with a cylindrical shroud at the top to conceal the three antennas and an associated equipment cabinet and an electrical meter cabinet.

5. The proposed 3G telecommunications pole and the associated cabinets would be located close to the existing boundary wall for the group of properties identified as Nos 107 – 108a Wolverley Road which, together with its close boarded fencing above and hedging immediately behind, extends from the entrance driveway for that group round the bend of the junction almost to No 101 Franche Road. Across on the other side of Wolverley Road is a public house car park with outside seating further from the road and the set-back public house building itself. On the south western side of the roundabout is a petrol station and on the north western side a short terrace of residential properties.
6. At over 14m in total height the proposed pole would be significantly higher than the nearby street lighting columns, which are indicated as being approximately 8m high. It would also be substantially larger in diameter than those lighting columns, with the shroud considerably thicker again. The proposed pole would be located in an open position and would be seen against only the adjacent boundary treatment of the wall, fence and hedge in many views and additionally against the backdrop of a much lower two-storey house in some other views. From other locations it would be seen across the open area of the roundabout junction and against the open public house car park, albeit with built form in the background at certain angles. In such views it would, in my opinion, be seen clearly as a dominating, intrusive feature that interrupted the already fairly close regular spacing of the streetlights and was unduly prominent in the streetscene.
7. Furthermore, there is, in addition to the streetlights around this busy junction and the telegraph pole further back up Wolverley Road away from the roundabout, already quite a clutter of signs for the public house, petrol station, the roads at the junction and even low posts in the footpath close to the access point for Nos 107 – 108a. However, they are generally at reasonably small scale and height and they do not look unduly out of place in the context of their surroundings, which includes the quite small area in the centre of the roundabout, despite the volume of traffic on the approach roads, and residential properties which are mainly no more than two storeys in height and of fairly modest size. Even the petrol station and public house appear of suitable size and scale to be in keeping with the largely domestic-scale of the surrounding area.
8. The proposed pole would, however, by virtue of its highly visible location and because it would be so much taller and thicker, with a particularly prominent top, than the other signage and street furniture, appear out of scale, incongruous and alien in the context of its surroundings. Although the appellant makes reference to the proposed location being close to a busy roundabout, I consider that the pole would be so obtrusive in the streetscene that it would still be seen by drivers attempting to negotiate the local road network from many different angles across the roundabout and the surrounding roads. It would also be clearly evident to people walking past and on footpaths on the other nearby roads, people in the public house car park and sitting at the outside tables and drivers turning out of the top exit from the

petrol station. In such views, it would have a significantly detrimental impact on the character and appearance of the surrounding area.

9. I have taken account of the appellant's comments regarding the smallest size of cabinet available. However, even though I find that the cabinets would have only a limited impact on the visual amenity of the area, this does not change my view that the pole would be so out of character and scale with its surroundings that it would cause significant visual harm. I have taken into consideration the appellant's points that the pole is the minimum height necessary to provide the required coverage and that it could be painted. Nevertheless, I conclude that the proposal would conflict with Policy D.1 of the Wyre Forest District Local Plan (LP) as it would fail to complement and respect any adjacent development, fail to complement the characteristics of the site and its surrounds and would not create a new asset which contributed to local distinctiveness.

Effect on Living Conditions

10. The proposed monopole would be located directly in front of one of the properties in the group identified as Nos 107 – 108a Wolverley Road. The appellant indicates that the pole would be about 12m from the nearest dwelling, although I note that the Council assesses this as about 10m. Whatever the precise distance, it would be in direct line of four main windows on two levels of the facing elevation of the nearest property. It would also appear very prominent when seen from other ground floor facing windows in other properties in the group.
11. I therefore consider that the proposed installation, given its substantial height and size, would be sufficiently close to dominate the outlook of the occupiers of the nearest dwelling and also others in that building group to such an extent that it would harm their enjoyment of those properties. As this would have a serious detrimental impact on the amenity of nearby residents, it would be contrary to the intentions of criterion j) of LP Policy D.1.

Need

12. The appellant indicates that the proposed monopole would provide 3G coverage to an area which currently has a gap in coverage. The Council has not questioned the need for the installation and I accept that there is a clearly identified need to meet the deficiency in network coverage.

Alternative Sites

13. The appellant has set out what alternative sites were considered and the reasons why they were not pursued. I note that the Council has not commented on the appellant's review of what is a wide range of sites. From the details supplied of the alternative sites, it is difficult to carry out any credible examination of all the sites, particularly as details of the precise siting, heights and types of equipment have not been provided for all the sites. Clearly some sites have been discounted because the landowners are unwilling to agree to an installation. Other sites have been the subject of previous refusals or are in the Green Belt. While I note that the reasons for discounting site 8 are not particularly clear cut and are perhaps less convincing than for

other sites, I still have insufficient information to make a proper assessment of that alternative.

14. Overall, I take the view that there is no clear evidence to suggest that one single alternative site would be capable of enabling the full need to be met in a way which would be materially less harmful than the current proposal. I acknowledge that the appellant has been looking for a suitable site in this area for some considerable time and that there appears to be no prospect of sharing facilities with other providers or existing Vodafone installations. I also accept that there seems to be no possibility of utilising an existing building. In the absence of specific details on installation heights, types and siting at every alternative site, I recognise that it might be possible for two shorter installations to provide the required coverage. However, I am prepared to proceed to my appeal decision on the basis that there is no other alternative which is reasonably available to the appellant.

Further Reasoning

15. The overall thrust of the advice in PPG 8 is to encourage the development of the telecommunications network whilst keeping the environmental impact to a minimum. LP Policy TR.20 is broadly in line with the intentions of PPG 8. However, I have identified above that the proposed development would cause significant harm to the character and appearance of the area, and to the outlook of the nearest residential occupiers. The environmental impact would not, in my view, be kept to a minimum. Even though the area is not a designated sensitive townscape, the visual harm caused would be so serious that it would not be outweighed by the need for the installation and the lack of available or preferable alternatives. Since criterion ii) of LP Policy TR.20 is not satisfied, the proposed development would be contrary to that policy as well as to LP Policy D.1.

Other Considerations

16. Local residents have expressed concerns about the health implications of the proposal, which I consider to be important material considerations. However, PPG 8 indicates that if a proposed installation meets the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure, it should not be necessary in planning terms to consider further the health aspects and concerns about them. The appellant has confirmed that the proposed installation would be in full compliance with the ICNIRP guidelines. I have therefore found no overriding reason to set aside Government advice regarding this issue. However, the acceptability of the proposal in this respect does not outweigh the harm I have identified above.
17. I have had regard to views expressed about safety matters around the creation of a distraction to road users and proximity to the petrol station, concerns about property devaluation and the gathering of youths around the base station, and reference to an earlier road widening scheme. However, I note that the Highway Authority has not objected and these matters do not affect my considerations with regard to the main issues.

Conclusion

18. Having considered all matters raised, I nevertheless conclude that the need for this installation and the lack of less harmful alternatives still do not outweigh the harm that would be caused to the surrounding environment, and the appeal should be dismissed.

J Chance

INSPECTOR