



Appeal Decision

Site visit made on 29 October 2008

by **C J Leigh** BSc(Hons) MPhil MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
14 November 2008

Appeal Ref: APP/J1915/A/08/2080794

Lamppost 610, Oriole Way, Great Hadham Road, Bishops Stortford, Herts CM23 4PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval under Part 24 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 (as amended).
- The appeal is made by Telefonica O2 UK Ltd against the decision of East Herts Council.
- The application Ref 3/08/0338/PT, dated 18 February 2008, was refused by decision notice dated 9 April 2008.
- The development proposed is for the installation of a 13m street furniture column replacing lamppost 610, along with two ground based equipment cabinets.

Decision

1. I allow the appeal and grant approval under the provisions of Part 24 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 (as amended) for the siting and appearance of a telecommunications installation comprising a 13m street furniture column replacing lamppost 610, along with two ground based equipment cabinets on land at Oriole Way, Great Hadham Road, Bishops Stortford, Herts in accordance with the terms of the application (Ref 3/08/0338/PT, dated 18 February 2008) and the plans submitted therewith, subject to the following condition:
 - 1) Prior to the commencement of the development hereby approved, details of the colour of the installation shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reasons

2. The proposed column would replace an existing lamppost that is located on a roundabout, with residential properties close by. I saw at my site visit that there are existing tall lampposts on this roundabout and along the local distributor roads in the area. The new column would be taller than the existing lamppost, due to the telecommunications structure rising above the lighting fixture. However, I consider this additional height to be not significant and the altered design would not appear as an obtrusive feature in the streetscene. I also think the new installation would not appear out of character with the design, scale and amount of existing installations along the roads.
3. The siting of the proposed column and its associated ancillary equipment would be seen against an existing substantial and tall bank of landscaping along Oriole Way and Great Hadham Road. This would partly obscure views from the surrounding residential areas and further provide a discreet setting that is not unduly obtrusive to the area.

4. The appeal site lies within the Metropolitan Green Belt. For the reasons given above, it is my further opinion that the design of the proposed column and its increase in height over the existing lamppost, along with the ancillary equipment, would maintain the openness of the Green Belt. Hence, in accordance with the advice in paragraph 65 of PPG8: Telecommunications (2001), it is my judgement that the proposed development would not be inappropriate development in the Green Belt.
5. I viewed the location of the proposed pole from the open space and recreation area to the south and from within the adjoining residential areas. Although there would be some views of the pole from these locations, for the reasons given earlier I think it would not appear intrusive in the area or as a dominant feature. Local residents have also raised objections on health grounds due to the location of the pole in relation to homes and open space, and their fears that might arise from their views of the pole. I accept that such fears are relevant to my decision. Nevertheless, PPG8 advises that if a proposed mobile phone base station meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure to radio waves it should not be necessary for a planning authority to consider further the health aspects of the proposal. On balance, and bearing in mind that there was little objective evidence to support local fears and that the emissions from the mast would be well within the ICNIRP guidelines, I do not consider that local residents' health concerns are sufficient to justify refusing planning permission on that ground.
6. Details of alternative sites for the proposed installation have been provided to me by the appellants. From my observations of the site and the wider area during my site visit, I agree with the appellants' statement that many of the possible alternative locations within their area of search would be more visually intrusive than the site under consideration in this appeal. I also note that other possible sites are not genuinely available due to the unwillingness of landowners to accept installations, and that the appellants point to technical limitations on certain other locations. I am therefore satisfied that the appeal site is the most likely to meet the needs of the appellants and so meet their obligations regarding network coverage.
7. For these reasons I consider that the proposed column and ancillary equipment would have little visual impact when viewed along the street and from nearby properties, and would maintain the openness of the Green Belt. Thus, I consider that the proposal would be consistent with the objectives of Policies GBC1 and ENV28 of the East Herts Local Plan Second Review (2007), and that approval for the proposal should be granted. The Council have suggested a condition requiring the commencement of development within five years. However, this is a condition of approval under Part 24 of Schedule 2 to the GPDO and so is not required. I also think there is no need for a condition requiring the work to be carried out in accordance with the approved details, as any deviation would be outside the scope of this approval. I have attached the condition requiring approval of the colour of the column and ancillary equipment, to ensure a satisfactory appearance to the development, though in a modified form to ensure enforceability.

CJ Leigh

INSPECTOR