



Appeal Decision

Site visit made on 19 June 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2023

Appeal Ref: APP/X1925/W/22/3312947

Priory Lane, Royston, Hertfordshire SG8 7DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by MBNL.
 - The application Ref 22/02547/TD, dated 16 September 2022, was refused by notice dated 8 November 2022.
 - The telecommunications installation proposed is upgrade to the existing 10.0m High EE/H3G Streetworks Monopole on root foundation. Proposed 17.5m High EE/H3G Phase 7 Monopole complete with wrapround cabinet to be installed on root foundation and associated ancillary works.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the GPDO for the siting and appearance of an upgrade to the existing 10.0m High EE/H3G Streetworks Monopole on root foundation involving a proposed 17.5m High EE/H3G Phase 7 Monopole complete with wrapround cabinet to be installed on root foundation and associated ancillary works at Priory Lane, Royston, Hertfordshire SG8 7DA in accordance with the terms of the application, Ref 22/02547/TD, dated 16 September 2022, and the plans¹ submitted with it: 002 Site Location Plan; 003 Access Plan; 005 Cherry Picker and Crane Location; 006 Services Plan; 100 Existing Site Plan; 150 Existing Site Elevation; 215 Max Configuration Site Plan; 265 Max Configuration Elevation.

Preliminary Matters

2. As the site is in a conservation area, I have had regard to the statutory duty set out under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the relevant conservation area's character or appearance.
3. The principle of development is established by the GPDO. Even so, Schedule 2, Part 16, Class A, Subsection A.3 requires, amongst other provisions, a developer to apply for a determination as to whether prior approval will be required as to the siting and appearance of the development. I shall have regard to the policies of the development plan and the National Planning Policy Framework (July 2021) (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

¹ each referenced 1206239_NHE111_17041_SG0380_M001 A

Main Issue

4. Whether or not the siting and appearance of the proposed development is acceptable, having particular regard to its effect upon the character or appearance of the Royston Conservation (the CA).

Reasons

5. The significance and special interest of the CA as a designated heritage asset is drawn, in-part, from its high concentration of fine historic buildings and its wide mix of residential and commercial uses. This significance and special interest is further underpinned by an abundance of green features and the presence of well-vegetated open spaces, which include Priory Memorial Gardens (the Gardens) situated to the immediate west of the site.
6. The proposed equipment would occupy a visible location upon a strip of grassed land that abuts a footpath that runs alongside Priory Lane and that sits adjacent to the Gardens in a busy part of Royston. It is also relevant that the proposed replacement monopole, would be tall, rising to 17.5 metres in height.
7. Nevertheless, the monopole's intended positioning in proximity to established planting would assist in providing a degree of partial screening from a range of potential vantage points, including from locations within the Gardens. Furthermore, the equipment would be viewed in the context of various items of modern street furniture, including signage, cabinet boxes, and vertical streetlighting columns. Thus, particularly when factoring in the somewhat slimline specification of the proposed monopole (which I have considered based on it being of dark/neutral colour, consistent with the existing monopole to be replaced) and the ancillary small-scale nature of the proposed cabinets, the equipment would not appear as incongruous in the particular location in question and would not be experienced as unacceptably prominent.
8. I also note that the equipment would be setback a not insignificant distance from the Town Hall, which is situated to the opposite northern side of Melbourn Street and identified in a Register of Buildings of Local Interest. Moreover, I do not accept any suggestion made that the slimline replacement monopole that is proposed would be highly visible in long distance views, nor that it would have a material adverse effect upon the setting of the Town Hall. Indeed, the positioning of the proposed equipment appears logical and well thought out in the context of constrained and densely populated urban wider surroundings.
9. For the above reasons, having particular regard to the proposal's effect upon the character or appearance of the CA, the siting and appearance of the proposed development is acceptable. Thus, the proposal would not cause harm to the heritage significance of the CA. The proposal satisfactorily accords with Policies D1 and HE1 of the North Hertfordshire Local Plan 2011-2031 (adopted November 2022) and the Framework in so far as these policies promote the desirability of sustaining and enhancing the significance of heritage assets.

Other Matters

10. For the avoidance of doubt, notwithstanding the relative proximity of the site to the carriageway of Priory Lane and records of accidents nearby, I am satisfied, having visited the site, that the equipment could be installed and thereafter suitably maintained without prejudice to the safety of highway users.

11. A recent appeal decision² makes up part of the submitted evidence. This relates to a different site situated elsewhere within Royston, where the Inspector found that a proposed monopole would significantly detract from the character and appearance of the area. Nevertheless, a replacement pole was not proposed in that case. Furthermore, I must consider the proposal that is before me upon its own individual merits and in the context of the site-specific circumstances that avail. As such, this other appeal decision is of limited relevance to my considerations.

Conditions

12. Any planning permission granted for electronic communications apparatus under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of five years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
13. For the avoidance of doubt, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators as referenced in the preceding paragraph.

Conclusion

14. For the above reasons, the appeal is allowed and prior approval is granted.

Andrew Smith

INSPECTOR

² APP/X1925/W/21/3284014