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# Appeal Decision

Site visit made on 11 January 2022

**by Philip Major BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>th</sup> January 2022**

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**Appeal Ref: APP/E0345/W/21/3278229**

**Oxford Road, Reading RG30 1AA**

- 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 Hutchison UK Ltd against the decision of Reading Borough Council.
  - The application Ref: 210597, dated 10 April 2021, was refused by notice dated 10 June 2021.
  - The development proposed is a 15m Phase 8 Monopole C/W wraparound cabinet at the base and associated ancillary works.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in the appeal is the effect of the siting and appearance of the proposed development on the character and appearance of the locality, and if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

## Reasons

3. The area around the appeal site is a busy urban location which includes many structures and buildings the like of which are commonplace in such areas. This includes street lighting and other street furniture with a vertical emphasis. However, none of the existing structures or buildings in the immediate vicinity appear to me to be of a height similar to the proposed mast. Even so, telecommunications apparatus has been a feature of urban locations such as this for many years.
4. In this particular case I accept that there is a need for a new installation in the general locality in order to enable efficient utilisation of the 5G network and to address network deficiency. It is important to recognise that the National Planning Policy Framework (NPPF) supports a high quality telecommunications network.
5. This installation would be a prominent feature of the street scene and the extensive cabinets which form part of the proposal would add to the general

- clutter of items located hereabouts. But with the backdrop of commercial premises and some low level filtering by existing trees the appearance of the proposal would not, per se, result in significant harm to the character or appearance of this location.
6. The Appellant informs me that a number of alternative sites have been considered and rejected, and that the appeal site is the best location for the mast. But the information produced by the Appellant to justify rejection of alternative locations is sketchy at best. For example, discounted site D2 (Cow Lane) is not pursued because of underground services, and D7 (Castle Street) is ruled out because of build issues. Neither of these exclusions give any real indication of the nature of the problems, and whether it would be possible to overcome them. Furthermore, I have no information that the Appellant has explored the possibility of erecting antennas on an existing building or other structure.
  7. Turning to detailed matters of siting, The Council has concerns in relation to the location of the mast and cabinets in proximity to street trees which are protected by Tree Preservation Order, this location being an identified treed corridor in Reading. The plans submitted with the proposal are clearly inaccurate in representing existing trees. The canopies of those in either side of the proposed mast virtually touch, and the plan view of the submitted drawings are wholly inadequate in indicating the canopy spread. I therefore agree with the Council that any installation here would be likely to impact upon the root areas of the trees.
  8. I cannot share the Appellant's confidence that damage to the rooting areas can be adequately controlled by condition. The Town and Country Planning (General Permitted Development) (England) Order imposes standard conditions if approval is given to development, but makes no provision for the imposition of any other conditions in the case of telecommunications development. I am therefore advised that any further conditions should not be imposed. Consequently, if any agreement is necessary in relation to the protection of the root areas of affected trees it should be resolved between the Appellant and the Council since I have no recourse to requiring an agreement by condition.
  9. Taking these matters in the round I am satisfied that the appearance of the proposed development would be acceptable in this busy urban location, but that the siting has not been shown to be acceptable. In particular there is a paucity of information on rejected alternatives such that I am unable to conclude that the appeal site is the most suitable. Although S38(6) of the 1990 Act does not apply to prior approval proposals it is nonetheless the case that this development conflicts with Policy OU3 of the adopted Local Plan, which seeks to ensure that telecommunications development proposals have demonstrated that no preferable alternative sites are potentially available.
  10. Additional significant concerns surround the likely impact on protected trees. Damage to the trees would be likely to result in harm to the character and appearance of the street scene. As such there is conflict with Local Plan Policy EN14 which, amongst other things, requires new development to make provision for tree retention.

11. In light of the above findings I am unable to conclude that the need for the development has adequately demonstrated the lack of suitable alternative locations, or that adequate attention has been paid to the retention of trees at this location.

12. For the reasons given above I conclude that the appeal should be dismissed.

*Philip Major*

Inspector