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# Appeal Decision

Site visit made on 20 February 2012

**by David Hogger BA MSc MRTPI MCIHT**

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

**Decision date: 6 March 2012**

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**Appeal Ref: APP/D1780/A/11/2165207**

**Land at Weston Lane, Weston, Southampton SO19 9QJ**

- 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 Limited against the decision of Southampton City Council.
  - The application Ref 11/01094/TCC, dated 30 June 2011, was refused by notice dated 23 August 2011.
  - The development proposed is the removal of the existing 11.4m high monopole and its replacement with a new 11.8m high monopole supporting three Vodafone antennas and three O2 antennas, a replacement radio equipment cabinet and development ancillary thereto.
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## Decision

1. The appeal is allowed and approval is granted under the provisions of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the removal of the existing 11.4m high monopole and its replacement with a new 11.8m high monopole supporting three Vodafone antennas and three O2 antennas, a replacement radio equipment cabinet and development ancillary thereto, on land at Weston Lane, Weston, Southampton SO19 9QJ in accordance with the terms of the application, Ref 11/01094/TCC, dated 30 June 2011, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 47159\_3/001C; 47159\_3/002C; 47159\_3/003C; 47159\_3/004C; 47159\_3/005C; and 47159\_3/006C.
  - 3) No development shall take place until details of the paint finish of the external surfaces of the telecommunications pole and the equipment cabinet have been submitted to and approved in writing by the local planning authority. The pole and cabinet shall be painted in accordance with the approved details and retained in that condition.

## Main Issue

2. The main issue is the effect of the proposed replacement monopole and associated equipment on the character and appearance of the locality.

## Reasons

3. Although the existing monopole is clearly visible in the street scene there are several other forms of pole nearby, including street lights, telegraph poles and poles in the adjacent Leisure Centre car park which hold floodlights and CCTV cameras. The location of the monopole is close to residential properties but it is not directly overlooked by them. The Inspector who determined the appeal in relation to the existing mast (Ref: APP/D1780/A/06/2008233) concluded that the installation would have an 'insignificant impact on the character and appearance of the area' and I agree. The principle of a mast at this location has therefore been established and the issue is whether the larger size of the replacement mast and ancillary equipment would be visually harmful.
4. The overall height of the proposed mast would be about 0.5m higher than the existing one and the diameter of the pole would be the same. The Council state that the additional height would appear negligible and I agree. The most significant element in visual terms would be the introduction of a larger shroud at the top of the mast. This would have a diameter of 490mm as compared to 300mm on the existing mast and would be 3.2m long as compared to 1.4m.
5. Although larger than the existing shroud I consider that the proposed shroud would not appear unduly dominant or incongruous in this setting, as I describe it above. The increase in size is not sufficient to cause significant harm to the character of the area. The requirements of saved policies SDP1, SDP7, SDP9 and TI5 of the City of Southampton Local Plan Review and policy CS13 of the Core Strategy, which seek to ensure that development would integrate with and respect the character and appearance of the locality, would be met.
6. Although not matters on which my decision has turned, my conclusion on the main issue is strengthened by three other factors. Firstly the proposal would result in mast sharing, which is encouraged by the Council and would be in accord with the advice in Planning Policy Guidance 8: Telecommunications (PPG8), which also states that the growth of new and existing telecommunications systems should be encouraged. Secondly a number of alternative sites were assessed by the appellant but found to be unsatisfactory and the Council has not challenged the conclusions of the appellant on this assessment. And thirdly the need for improved coverage has been demonstrated by the appellant and this also has not been challenged by the Council.

## Other Matters

7. Local residents express concerns regarding the potential health risks associated with telecommunications masts, including the potential consequences for cardiac pacemakers. However, the appellant has demonstrated that the proposal complies with the ICNIRP<sup>1</sup> Guidelines - the maximum predicted emission level being 0.14% of the ICNIRP guideline. No evidence has been submitted that would lead me to a different conclusion.
8. I have taken into account the Draft National Planning Policy Framework but because of its current status I only afford it little weight.

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<sup>1</sup> International Commission on Non-Ionising Radiation Protection

### **Conditions and Conclusion**

9. The Council suggests two conditions – the standard three year time condition and a condition requiring the development to be undertaken in accordance with the approved plans and the schedule of materials. In terms of the time condition a period of five years is imposed by the GPDO and there is no justification for departing from it.
10. With regard to appearance the appellant has stated that a condition requiring details of the colour of the pole and equipment cabinet would be acceptable and the Council has confirmed that it would support such a condition. The plans indicate that the cabinet would be 'fir green' but the pole is just referred to as galvanised. For the avoidance of doubt I consider such a condition to be necessary and would meet the requirements of Circular 11/95: The Use of Conditions in Planning Permissions. In terms of other equipment a schedule of technical information is set out in plan 47159\_3/006C. All three conditions meet the requirements of Circular 11/95 and I impose them (as amended) for the avoidance of doubt.
11. For the reasons given above and having considered all other matters raised, the appeal should be allowed.

*David Hogger*

Inspector