

Appeals Progress Report

1. New Appeal

- 1.1 Appeals against refusal of planning application 22/00125/FULPP for New detached three-storey 3-bedrooms 6-persons dwelling house with associated bin and cycle stores, removal of existing footway crossover and reinstatement of pavement and formation of parking bay on road at 6 East Station Road Aldershot and 22/00126/FULPP for New detached two-storey 2-bedrooms 4-persons dwelling house with associated bin & cycle stores, and on-site parking space also at 6 East Station Road Aldershot. These applications were determined under delegated powers and will be dealt with by the Planning Inspectorate using the Written Representations procedure.
- 1.2 An appeal against an Enforcement Notice issued on 4 January 2023 for an unauthorised change of use of the first-floor ancillary accommodation at the White Lion Public House (Public House sui generis) to an independent flat (Use Class C3), has been started. The address of the property is 20 Lower Farnham Road, Aldershot. The decision to issue the Enforcement Notice was determined under delegated powers and the Planning Inspectorate will use the Written Representations procedure. The Council's enforcement reference number is 22/00069/COUGEN and the Inspectorate appeal reference is APP/P1750/C/22/3313709.

2. Appeal Decisions

- 2.1 Appeal against refusal of planning permission 22/00200/TPO for "*Remove one sweet Chestnut (T16 of TPO 433)*" at **Skellgarth, 4 The Crescent, Farnborough, Hampshire, GU14 7AH.**

The Council refused planning permission under delegated powers on 14th April 2022 for the following reasons;

The works proposed would result in the loss of a healthy and stable tree which contributes to the visual amenity of the area. The proposal is therefore excessive and is contrary to Policy ENV13 of the Rushmoor Local Plan Review (1996-2011).

The Inspector concluded that the felling of the protected tree would result in harm to the character and appearance of the area and insufficient justification was provided for the removal and dismissed the appeal.

An application for costs was made by Rushmoor Borough Council against the appellant as there were three previous applications submitted to fell the tree, all of which were refused and subsequent appeals dismissed. The inspector noted that as the last application and appeal was in 2016, enough time had passed for the tree to grow, and circumstances may have changed. Therefore

concluding that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated. The application for costs was refused.

2.2 Appeal against refusal of Prior Approval application 21/00856/TELEPP for The installation of a 20 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto at **Land To The Front Of 82 To 86 Cove Road At The Junction Of Bridge Road And Cove Road, Farnborough.**

The Council determined that Prior Approval was Required for the installation and Refused to grant Prior Approval for the following reason:

The proposed mast and associated equipment cabinets, without which the installation could not function, would be an unduly prominent feature in the street scene, inappropriate in scale and appearance to its surroundings and detrimental to the character and amenity of the area and would have a detrimental impact upon the outlook of the adjoining flats. Having regard to the impact of the installation on the character and amenity and the apparent availability of alternative sites in the area which could provide the required coverage without having this impact, it is considered that the applicants have not satisfactorily demonstrated that a sequential approach to site selection has been followed or that their proposals take into the account the needs of other operators, as required by Policy IN3 and the NPPF, and therefore that the benefits to improved communications do not outweigh the harm that would be caused.

The Appeal was dealt with using the written representations method. The Inspector agreed with the Council that the proposed mast would be in a highly prominent location, and being significantly taller than the existing buildings and trees, would be highly visible against the skyline. Consequently, regarding its siting and appearance, and despite the lack of any statutory designations, the proposed development would adversely affect the character and appearance of the area.

The Inspector did not consider that the proposal would adversely affect residential outlook, but having determined that the proposal would have an adverse impact upon the character and appearance of the area, he considered that availability of alternative sites must be robustly explored to understand whether more suitable sites for the development exist. While the appellant had discussed a number of potential alternative sites which they had given reasons for discounting, the Inspector commented the appellant's justification is largely vague and unsubstantiated, and that a mast in these locations would have a similar impact to the Appeal proposal. The Inspector considered it notable that the Council had suggested a potentially more appropriate site for the installation to the side of an existing Tesco store at 80 Cove Road. He observed that the location suggested by the Council would be more discrete than the appeal site. This is due to its position between the flank wall of the Tesco Store and the side elevation of 82 – 86 Cove Road, rather than on a prominent corner of the street. This suggested site would also potentially allow the development to be set further back from the public highway reducing its visual prominence.

The Inspector commented that no robust justification has been provided by the appellant as to why the alternative site suggested by the Council was not suitable. Although reference to a lack of space had been made this is not supported by any technical information. Likewise, he was not convinced that the site's limited screening or relationship with neighbouring properties is sufficiently different to the appeal site to justify it being discounted. Consequently, on the evidence before him, the Inspector indicated that he was not persuaded that less harmful alternative sites are not suitable or available.

In Conclusion, the Inspector acknowledged the importance of good, fast, cost-effective and reliable communications and the support that the National Planning Policy Framework provides for high quality communications infrastructure. However, he concluded that the harm arising from the siting and appearance of the proposed development on the character and appearance of the area, would not be outweighed by the need for the installation to be sited as proposed, considering the potential for suitable alternatives. Accordingly, the Appeal was dismissed.

3. Recommendation

3.1 It is recommended that the report be **NOTED**.

Tim Mills

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