
Appeal Decision

Site visit made on 17 October 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 17 November 2016

Appeal Ref: APP/C1055/W/16/3155338

Burton Road DNS, Junction of Old Hall Avenue and Burton Road, Littleover, Derby, Derbyshire DE23 6EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by EE Limited & H3G UK Limited against the decision of Derby City Council.
 - The application Ref DER/04/16/00465, dated 13 April 2016, was refused by notice dated 10 June 2016.
 - The development proposed is a proposed telecommunications installation and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although the Council's Officer Report refers to the application being submitted under Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) this part of the GPDO has been superseded by Part 16 of the GPDO. Moreover, the appellant applied for full planning permission for the proposed development and I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the streetscene and whether any harm caused is outweighed by the need to site the installation in the location proposed, having regard to the potential availability of alternative sites.

Reasons

4. The appeal site is located in a predominantly residential area with a mix of sizes and heights of buildings. However, the overriding characteristic derives from the generous plot sizes with buildings set back from the highway. This is emphasised by mature trees and shrubs in gardens and trees in wide highway verges giving a spacious and verdant character to the area. The proposal would comprise a 17.5 metre monopole and four cabinets sited in linear fashion along the edge of the verge and the Old Hall Avenue footway.
 5. The land upon which the equipment would be located is part of a wide grassed verge near the junction of Burton Road and Old Hall Avenue. The proposed site elevations show the monopole some 2.5 metres above the tallest trees that are
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adjacent to the appeal site. At 17.5m it would also be considerably taller than the street lighting columns on Burton Road. The proposed design would be of simple form similar to the existing monopole at the nearby roundabout junction of Burton Road and the B5021. However, the existing pole and cabinets are seen against the back drop of buildings.

6. The proposal would have a significantly greater diameter than the lighting columns which would set it apart from them. Moreover, it would be within the wide verge that lends an important and valuable sense of spaciousness to the street scene and locality. Due to its height, bulk, proximity to the Burton Road/Old Hall Avenue junction and despite the nearby trees the proposal would be in clear view when approaching from either direction on Burton Road. Consequently, it would draw the eye and be prominent and visually intrusive resulting in significant harm to the streetscene.
7. I acknowledge that the monopole could be finished in a colour similar to the street lighting columns. However, a different colour finish would not overcome the harm I have identified above. Furthermore, the proposed cabinets would be of different shapes and sizes and together with the existing highway signage, would create a disparate line of clutter to the further detriment of the streetscene.
8. The proposal would provide facilities for 2 telecommunication providers and it would replace an existing lattice mast at the nearby Fire Station. The replacement is required as the Fire Station is to be redeveloped. However, the lattice mast is mainly seen, from the public domain, in long distance views above the tree line due to its location within a large site. The monopole will also incorporate 4G provision. The sharing of facilities on a single column reduces the proliferation of masts/monopoles and is regarded as good practice. However, in this case, I consider that the benefit of mast sharing is not outweighed by the significant visual harm caused by the scale of the proposal and the size, number and positions of the associated cabinets.
9. The National Planning Policy Framework (Framework) recommends in Paragraph 43 that existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. Also, Paragraph 45 of the Framework requires evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored.
10. The evidence indicates that the development is necessary to continue and enhance existing network services in the area for customers of two providers. These important benefits are in line with the Framework, which recognises that advanced high quality communications infrastructure is essential for economic growth. I attach significant weight to these benefits.
11. The appellants have considered a number of other sites including those suggested by the Council but conclude they are not suitable alternatives and that there are no sequentially preferable sites. Given the limited nature of the information before me, I am not satisfied that the appellants have robustly explored all less harmful options for the provision of a more visually acceptable solution so I afford the lack of an identified alternative only limited weight in favour of the scheme.

12. Consequently, in this case I cannot rule out the possibility that an alternative site might yet be found to address the Council's concerns. Furthermore, and in any event, I do not consider that the locational needs of the operators outweigh the significant visual harm that I have identified from the siting of the pole and cabinets in this particular location.
13. In conclusion the proposed installation would result in significant harm to the streetscene. It follows that the proposal would conflict with Policies GD4, GD5 and ED23 of the City of Derby Local Plan Review which, among other things, require a high standard of design that creates an attractive environment, complementing the surrounding area and does not cause unacceptable harm to the amenity of nearby areas.
14. Thus, for the reasons given above and having taken account of all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR