

Appeal Decision

Site visit made on 28 February 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/X1355/W/16/3161196

Darlington Road / Bede Road, Barnard Castle, Durham DL12 8LL

- 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 Cornerstone Telecommunications Infrastructure Ltd (CTIL) and Telefonica UK Ltd against the decision of Durham County Council.
 - The application Ref DM/16/02284/PNT, dated 12 July 2016, was refused by notice dated 19 August 2016.
 - The development proposed is the erection of a 12.5m high monopole telecom mast and 3no. associated ground cabinets.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for the siting and appearance of a 12.5m high monopole telecom mast and 3no. associated ground cabinets at land at Darlington Road / Bede Road, Barnard Castle, Durham DL12 8LL in accordance with the terms of the application Ref DM/16/02284/PNT, dated 12 July 2016, and the plans submitted with it.

Procedural Matters

2. I have used the Council's description of the proposed development, as subsequently used by the appellants in their appeal submissions, as it better reflects the submitted scheme. I have taken the development address from the applicant's original covering letter (DATE), albeit with the omission of the technical reference numbers in the interests of clarity and simplicity.

Main Issue

3. The main issue is the effect on the streetscene, the setting of the Barnard Castle Conservation Area and the grade II listed milestone marker on Darlington Road and whether any harm caused is outweighed by the need to site the installation in the location proposed having regard to the potential suitability of alternative sites.

Reasons

4. The appeal site is located within a grassed highway verge build-out alongside the mini-roundabout junction of the A67 Darlington Road with the A688. Although the wider area around the appeal site is largely residential in character, the immediate area is dominated by the commercial presence of a petrol filling station on the northern side of the A67 opposite the appeal site.
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5. The site lies outwith the Barnard Castle Conservation Area, albeit that the boundary of which follows the western side of Victoria Road, before diagonally crossing the A67 towards Bede Road, a short distance to the west of the appeal site, and stopping just short of the roundabout junction itself. A grade II listed milestone marker is located a short distance to the south of the appeal site, backing on to the stone wall that marks the back edge of the pavement that runs alongside the A67.
6. At 12.5 metres in height, the monopole would be approximately 4.5 metres higher than the lighting columns alongside the A67. Although there is housing development to the south of the appeal site which provides something of a backdrop, the housing is set at a lower level behind the stone wall that runs along the back edge of the pavement. As a consequence, the site has a somewhat open feel to it.
7. At the lower level the base of the monopole, although slightly slimmer than the antenna section at the top, would nonetheless have a chunkier profile and greater diameter than the streetlight columns and road signs nearby. At the higher level, the dishes and antenna section add to the bulk of the structure.
8. Although the roofscape on the southern side of the A67 is comprised of modern housing, the stepped terraced rooflines beyond, punctuated by the distinctive form and regular rhythm of their chimney stacks, creates a pleasing approach to the town and its Conservation Area. There are few vertical structures of any great height on the southern side of the A67 close to the appeal site and those that are present are much slimmer, less bulky streetlight columns.
9. With little in the way of street trees or other tall street furniture to soften the impact when viewed from close up, or from distance, the monopole would be easily distinguishable from the surrounding road signs and streetlight columns. When viewed from the eastern approach to the mini-roundabout junction alongside which it would be sited, it would intersect and project above the backdrop of the Conservation Area's roofscape and the skyline of the hillside beyond Barnard Castle, harmfully detracting from the setting of the Conservation Area.
10. Thus, with regard to the effect of the proposal on the setting of the Barnard Castle Conservation Area, I conclude that it would have a harmful impact on the setting of the Conservation Area. Consequently there would be conflict with Teesdale District Local Plan (TDLP) policy BENV4 which seeks to ensure that development within and /or adjoining conservation areas will only be permitted (BENV4(A)) where, amongst other matters, the proposed location, design, layout, materials and scale respects the quality and character of the area. More generally, TDLP policy BENV4 also states that proposals that would adversely affect the setting of a conservation area, or the views into or out of it, will not be permitted.
11. However, I am mindful that the Council do not object to the siting or appearance of the proposed development in respect of views out of the Conservation Area in an easterly direction. I am also satisfied that, approaching the site from the north on the A688, the more modern houses which provide a backdrop to the monopole would have a greater degree of resilience to the siting and appearance of the proposal than those within the Conservation Area, to the west. Harm, therefore, would be limited and

- localised to the eastern approach to the site, and the setting of the Conservation Area experienced from that aspect.
12. I am also mindful of paragraphs 42 and 43 of the National Planning Policy Framework (the Framework) where the former paragraph recognises the importance of high quality communications infrastructure to sustainable economic growth, the latter seeks to minimise the associated environmental harm. The harm arising from the visual impact of the monopole to the setting of the Conservation Area needs to be weighed against the need for the installation in the location proposed and the benefits for network coverage.
 13. I have given significant weight to the appellant's evidence as to the need for, and public benefits of, the installation in this general location, and the support for the proposal given by Barnard Castle Town Council. I note too that the Council have not challenged the enhanced coverage and capacity in the Barnard Castle area that the proposal would bring, and the social and economic benefits that would follow. I have also given weight to the potential for the installation to serve two companies and promote multiple services from a single installation.
 14. The Framework states that applications for telecommunications development should be supported by evidence that the possibility of erecting antennas on an existing building or structure has been explored. Alternative locations have been identified and subsequently rejected due to operational and other issues arising from their location within the Conservation Area and with regard to their surroundings, including surrounding landform and topography, vegetation and designated heritage assets. The Council has not challenged the conclusions in respect of these alternative locations, and I have not otherwise been presented with any evidence that would lead me to disagree. These factors all weigh strongly in favour of the proposal.
 15. With regard to the listed milestone marker, I conclude that the proposal would not detract from the setting of this grade II listed structure. The milestone marker is located at the rear edge of the pavement directly in front of the stone wall, both of which run alongside the southern side of the A67. It has an unobtrusive, discrete, almost overlooked presence, its limited scale leading to it being dominated by the proximity and scale of the stone wall which abuts it to the rear.
 16. From the northern approach to the site on the A688, the equipment cabinets and monopole would be seen head-on, and in a similar context and scale relative to the stone wall as the existing road signs are. I do not agree with the Council's assessment that the appeal proposal would be seen alongside the milestone marker, the installation being sufficiently set apart from it so as not to detract from the setting of the listed structure. On approach to the appeal site from the east along the A67, the monopole and cabinets would be located in-line behind the chevron warning sign and so would not, in my judgement, detract from the setting of the listed milestone marker.
 17. Mindful of the statutory test requiring that special attention be paid to the desirability of preserving or enhancing the listed building or its setting, I conclude that the proposal would preserve the setting of the milestone marker. As such, there would be no conflict with TDLP policy BENV3, which states that proposals which would adversely affect the character of a listed building or its setting will not be permitted.

Conclusion

18. I have concluded that the proposal would not detract from the setting of the listed milestone marker. Whilst the monopole would cause harm to elements of the setting of the Barnard Castle Conservation Area, and in that respect would conflict with the development plan, that harm would be limited and would be outweighed by the need for the installation and the public benefits that would follow.
19. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed. No conditions are necessary as the development order imposes relevant conditions as standard.

Graeme Robbie

INSPECTOR