
Appeal Decision

Site visit made on 18 July 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 4th September 2017

Appeal Ref: APP/J4525/W/17/3173861

Nicholson Engineering, Blue House Lane, Usworth, Washington NE37 2TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE Limited and Hutchinson 3G UK Limited against the decision of Sunderland City Council.
 - The application Ref: 17/00271/TEX, dated 2 February 2017, was refused by notice dated 30 March 2017.
 - The development proposed is erection of a 17.5 metre high telecommunications tower, antenna, dish, cabinets and other associated infrastructure.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council is satisfied that the proposal would be permitted development when applying the criteria in Part 16, Schedule 2 of the GPDO¹ and I have no reason to disagree. Nevertheless, development under Part 16, such as the appeal scheme, is subject to a condition that the prior approval of the Council must be sought for the siting and appearance of the development. The Council has concluded that its prior approval is required and has subsequently withheld it, being of the view that the proposal would harm the character and appearance of the area as a result of its appearance. Consequently, the main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Procedural matter

3. The description of the development on the decision notice issued by the Council more accurately describes the proposed works than that used by the appellant in the original application and on the appeal form and I have, therefore, used that for the purposes of the appeal.

Reasons

4. The GPDO requires that prior approval is sought for the siting and appearance of the proposed installation. Saved Policy B26 of the City of Sunderland Unitary Development Plan 1998 (UDP) relates specifically to

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

telecommunications development, stating that telecommunications development will be permitted where it would not have a serious adverse effect on the appearance of an area. Although this policy is now of some age, it is in general conformity with requirements of National Planning Policy Framework (the Framework). The City of Sunderland Supplementary Planning Guidance – Development Control Guidelines 2000 (SPG), which is to be read alongside these policies, sets out a number of general criteria which will be applied to proposals for the siting of telecommunications equipment including a requirement that equipment shall be sited so as not to have an adverse effect on the visual amenities of adjoining occupiers.

5. I saw when I visited the site that there are approximately seven first floor windows in houses on Baltimore Court that have views toward the appeal site. The Council state that the distance between the proposed mast and Baltimore Court is approximately 50 metres. At this distance, although the proposed mast would be a feature in the views from these windows, due to the relatively narrow diameter of the mast, it would not be overbearing to the occupiers of these houses.
6. The appeal site is part of the yard area associated with an engineering company and the wider site currently contains two buildings and also accommodates a mobile crane. The surrounding area is mixed in character with a variety of commercial buildings on both sides of Blue House Lane. Residential properties are located on the north side of Blue House Lane with a larger residential area beyond and also at Baltimore Court to the south, behind the commercial uses. Whilst the residential buildings are generally two storey, the commercial buildings are in the main single storey and as a consequence appear relatively low key, acting as a transition between the district centre to the east and the residential areas to the north and west, rather than being the defining feature of the area.
7. A substantial area of open space, Albany Park, adjoins the southern and western boundaries of the engineering works. This is crossed by a network of footpaths and contains an equipped children's play area to the west of the appeal site. The ground level of the park is higher than that of the appeal site, with a prominent hill to the south west of the appeal site, and contains a number of substantial tree belts. One such tree belt is located on the northern boundary of the park, parallel with Blue House Lane, to the west of the appeal site.
8. As the proposed mast would be located at the rear of the site, approximately 50 metres from the highway, this tree belt would provide a degree of screening from views from the road to the west. However, due to the lower height of the buildings in the immediate vicinity of the appeal site and the height of the proposed installation, it would be widely visible from the north and east and from the district centre focussed on Victoria Road. The appellant suggests that the style of mast proposed is commonly seen as items of street furniture in comparable urban locations across the country. Although there are a number of vertical features on surrounding roads in the form of lighting columns and wooden poles supporting overhead lines, the proposed mast would be set well back from the line of these and would not be seen in context with them. Rather it would appear as an isolated and taller feature, clearly visible on the skyline and unrelated to any other tall structures.

9. The jib of the mobile crane can also be seen above the roofs of the adjacent buildings, however, this is not a permanent structure, is lower than the proposed mast and its position will vary when it is in operation. As such I do not consider that it is analogous to the proposed mast.
10. Due to the open nature of Albany Park, the proposed mast would be widely visible from a number of locations within it and, as a result of its height and appearance, would be a prominent and incongruous feature within the context of this open space. During my site visit I saw that the footpaths and children's play area were well used. Whilst the buildings associated with the engineering works can also be seen from the park, as a consequence of the higher ground level of the park, their perceived height is reduced. The proposed mast would be significantly taller than these buildings.
11. Within this context, the proposed mast as a result of its height, appearance and isolation from other tall features, would be harmful to the character and appearance of the area.
12. Where a proposed telecommunications development would have an adverse effect on the appearance of an area, Policy B26 requires that regard be had to the significance of the development as part of a telecommunications network and whether any satisfactory alternative sites are available.
13. I have had regard to the fact that the proposal is to replace an existing base station located nearby, and would provide continuity of coverage. However, there is no evidence before me in the form of coverage diagrams or the location of adjacent cells that would demonstrate the effect of the loss of the existing base station, or how this would be alleviated by the development of a new base station on the appeal site.
14. I also note that the appellant has considered, and discounted for various reasons, ten alternative locations. Nevertheless, whilst a plan has been provided that appears to show a search radius for alternative sites, this is not shown in relation to the cell in question and its neighbours or how this relates to the coverage that would be provided. As such, I do not have sufficient evidence to be satisfied that there are no other locations where the proposed mast could be sited that would be less harmful to the appearance of the area.
15. The appellant also suggests that the proposal would make a direct contribution to the delivery of economic growth through improved communications. As it is stated that the proposed installation is to replace an existing base station that is to be lost due to the termination of the lease on the site, this proposal would not provide new coverage, although it would maintain existing coverage, and consequently, it is difficult to see how this proposal would improve communication to the extent suggested by the appellant. Moreover, the principal difference between 3G and 4G coverage is the speed of the internet connection over the mobile network. An increase in connection speeds would not, in my view, have any noticeable effect on economic growth to the extent that it would outweigh the visual harm that would be caused by the proposal.
16. I have noted the appellant's point that the proposal would facilitate mast sharing, which is encouraged by Policy B26 and the Framework. The plans submitted with the application show that the mast would only accommodate one set of antennae, which indicates that the antennae are shared rather than the mast accommodating separate equipment for two network operators.

Whilst the mast would be shared by two operators, the fact that a common set on antennae is used leads me to give less weight to the appellant's argument that an additional mast would be required in the event that the proposed new installation were not to proceed.

17. I therefore conclude that the proposed development as a result of its siting and appearance would cause harm to the character and appearance of the area. It would be contrary to the relevant requirements of Saved Policy B26 of the UDP and the Development Control Guidelines SPG, which seek to ensure that telecommunications development respects and enhances the best qualities of the locality and does not have a serious adverse effect on the appearance of an area.

Conclusion

18. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR