



Appeal Decision

Site visit made on 9 January 2018

by Stephen Hawkins MA MRTPI

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

Decision date: 29 January 2018

Appeal Ref: APP/D0121/W/17/3180402

Highways land at Monks Hill, adjacent to Worlebury Golf Club, Worlebury, Weston Super Mare BS22 9SX

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Telefonica UK Limited against the decision of North Somerset Council.
 - The application Ref 17/P/0517/PDT, dated 27 February 2017, was refused by notice dated 18 April 2017.
 - The development proposed is the installation of a new 12.5m shrouded monopole 2 no 300mm microwave dishes and 2 no equipment cabinets, along with ancillary development.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading is taken from the letter accompanying the application, as it more accurately specifies the apparatus it is proposed to install.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area and whether any harm is outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

Character and appearance

4. The proposed monopole would incorporate three shrouded antennae and together with its associated cabinets would provide improved network coverage for 2G, 3G and 4G services in the residential suburb of Worlebury. The monopole, which would be shared by two operators, would be around 12.5 metres high and it would be of a slimline design, finished in a grey colour. The monopole would sit towards the back of a wide section of pedestrian footway adjacent to the entrance to Worlebury Golf Club.
5. The site is close to the Milton Hill, Monks Hill and Worlebury Hill Road crossroads. Apart from a light column several metres away, street furniture in

the vicinity is of limited height. Although opposite suburban housing, the site is adjacent to the expansive, open and landscaped golf club grounds. There are some substantial trees in the club grounds, including one in proximity to the site. However, planting along the club boundary is mostly of limited height. The above factors all help to create a strong sense of openness in the street scene which contributes significantly to the semi-rural feel of the locality.

6. Milton Hill rises steeply towards the crossroads. Therefore, when approaching from that direction the monopole would be viewed from a lower ground level until the summit of Milton Hill is reached. While ground levels rise away from the crossroads to the east and west, the monopole would be viewed as being adjacent to the hill summit. This would emphasise the sense of its overall height. Although the golf club buildings and trees would form part of the background of the monopole, on the whole those would be seen as substantially lower features. Planting within the grounds of 44 Worlebury Road might break up more distant views of the monopole from Milton Hill. Even so, it would not assist in close-up views and its effectiveness would be appreciably reduced during winter months. As the monopole would be substantially higher than the light column on Milton Hill, the latter does not provide a significant vertical context feature. I have given limited weight to the images from this direction submitted by the Council and local residents, as their accuracy cannot be verified. Nevertheless, for the above reasons the monopole would have a substantial visual presence in views from the upper slopes of Milton Hill and a significant part of it would be seen against the sky.
7. When approaching the monopole from the Monks Hill direction, it would in part be seen in conjunction with trees in the club grounds and hedging adjacent to the road boundary, particularly in more distant views. However, the monopole would be a good distance from the trees, few of which are evergreen. Therefore, the trees would be of limited effectiveness in terms of providing a strong vertical context, especially during the winter. The boundary hedge contains evergreen species but it is of limited overall height. Most light columns are located on the opposite, more built-up side of the road. As a result, in closer views in particular a substantial part of the monopole would also be seen against the sky from this direction as it would be largely unrelated to other significant vertical features.
8. Approaching on Worlebury Hill Road from the east, the monopole would partly be framed between the club shop and the nearby tree. Nevertheless, the monopole would be much higher than both of these features and a substantial part would therefore be viewed against the sky. The effectiveness of the tree in terms of providing a vertical context would also be appreciably reduced in winter. Approaching from the west, the monopole would be seen in the context of nearby housing, club buildings and the tree. Even so, due to the more limited height of those features a substantial part of the monopole would also be viewed against the sky from this direction and it would have a significant visual presence, particularly close to the crossroads. Although there are some vertical features in the foreground including a telegraph pole, the monopole would be a significant distance away and would therefore not relate well to them.
9. The monopole would be substantially taller than the houses opposite. Whilst it would not be directly in line with windows at the front of the closest residential properties, it would nevertheless be clearly visible in some outward views,

particularly from 3 Monks Hill and 44 Worlebury Hill Road. The distance between the monopole and the nearest houses would not be substantially greater than the distances between some front elevations of properties on opposite sides of Worlebury Hill Road. Consequently, the monopole would not be a significant distance from nearby residential properties and it would have a substantial visual presence when viewed from them.

10. Whilst I appreciate that the monopole has to protrude above its surroundings, it would not be well related to vertical features in the vicinity and it would be readily apparent from the surrounding roads and residential properties. Overall therefore, I find that the monopole would appear as an incongruous feature in the street scene, visually disrupting the sense of openness and resulting in unacceptable harm to the character and appearance of the area.
11. Consequently, the proposal would fail to accord with Policy CS5 of the adopted North Somerset Core Strategy (CS), as it would not protect the character and distinctiveness of the townscape. The proposal would also fail to accord with CS Policy CS12, as it would not be sensitive to the established character of the area. Further, the proposal would fail to accord with Policy DM10 of the adopted Sites and Policies Plan Part 1 (LP), as it would not be carefully integrated into the built environment responding to local character. Moreover, the proposal would fail to accord with LP Policy DM32, as its design does not demonstrate sensitivity to the local character and the setting and it would cause unacceptable harm to the character and appearance of the area having regard to its siting and height and position in the townscape. Whilst LP Policy DM69 is generally permissive of telecommunications infrastructure subject to certain criteria being met, it cannot be read in isolation from the rest of the Development Plan.

Availability of alternative sites

12. There are no available masts or sharing opportunities within the coverage area and there is an operational need for the installation. The appellant has explored several other siting options, taking account of matters such as coverage, location, line of sight, services and construction access as well as the residential nature of most of the search area and the varied local topography. Therefore, there is no reason to doubt that there are limited alternatives for siting a monopole within the coverage area.
13. However, on the basis of the evidence before me I am not persuaded that all of alternatives within the coverage area, in particular a suggested alternative location in part of the golf club grounds, have been thoroughly explored, or that this or other alternatives would necessarily have a more harmful visual impact compared with that of the proposal. The appellant has referred to an appeal decision where a failure to agree commercial terms with a landowner was sufficient to show that there was no reasonable possibility of using a particular site¹. Even so, there is no firm evidence before me which would demonstrate that such a position has been reached in any negotiations with the golf club. Therefore, I cannot be assured that more suitable sites for the installation would not reasonably be available.

¹ Ref: APP/M4510/A/12/2169920.

Other matters

14. I acknowledge that the proposal would not adversely affect any heritage assets, important natural features or designated areas. I have also taken account of the measure of local support for the scheme on grounds of improving local mobile phone reception.
15. The appellant submitted evidence to show that the proposal would comply with the public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP). According to the National Planning Policy Framework (the Framework), it is not necessary to determine health safeguards where the proposal meets these guidelines. Consequently, the approach taken by the Framework does not support the health fears of local residents. Other matters referred to by local residents are either not supported by substantive evidence or fall outside of the scope of my determination.

Planning Balance

16. The Framework supports improvements to telecommunications infrastructure. However, it also advises that operational efficiency should be balanced against such equipment being sympathetically designed and camouflaged where appropriate.
17. The appellant's requirements for improved network coverage and any social, economic and public benefits that would arise are matters which weigh in favour of the proposal. Nevertheless, the available evidence does not demonstrate that a potentially more suitable site would not be reasonably available. Therefore, the above benefits do not outweigh the substantial visual harm that would be caused by the proposal and the consequent failure to accord with the Development Plan.

Conclusion

18. The siting and appearance of the proposal would cause unacceptable harm to the character and appearance of the area, it would not accord with the Development Plan and it would be inconsistent with the Framework. Therefore, I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR