



Appeal Decision

Site visit made on 16 March 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2020

Appeal Ref: APP/N1025/W/19/3243440

Ilkeston Co-op, 12-16 South Street, Ilkeston DE7 5GS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by EE Ltd & Hutchinson 3G UK Ltd against the decision of Erewash Borough Council.
 - The application Ref ERE/0419/0048, dated 10 April 2019, was refused by notice dated 11 September 2019.
 - The development proposed is to replace existing telecommunications equipment.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. No application form was submitted by the appellant to the Council. As such, the site address, description of proposed development and date of application as set out above is taken from the appeal form.

Main Issue

3. The appeal concerns a proposed telecommunications development that was refused prior approval by the Council under the terms of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Within certain limits the GPDO grants permission for the development of telecommunications equipment subject to a prior approval procedure. The Council raise no objection on the grounds that the proposal would not fall within the remit of Schedule 2, Part 16, Class A.
4. The GPDO states that the relevant issues when assessing applications of this type are the siting and appearance of the proposed development. As such, the main issue is the effect of the siting and appearance of the proposal on the character and appearance of Ilkeston Conservation Area (CA).

Reasons

5. The appeal site lies in the CA, which covers a significant proportion of the town centre and partly draws its significance from buildings of architectural and historic interest within its boundaries. Also, the CA includes Market Place, a large public open area that forms a significant focus point in the town centre and which lies directly to the north east of the site.

6. The building on the appeal site closest to Market Place is of mid-20th century construction and displays a degree of symmetry and simplistic attractiveness that is reflective of the period. The main door elevation of the building directly faces Market Place and is prominent in views from across the open space. By reason of its design and prominence, the building contributes positively to the character and appearance of the CA despite not being specifically highlighted as an important building in the CA Character Appraisal 2009.
7. The proposal would include the installation of a new raised steel pod with 4 apertures above the main elevation of the building facing onto Market Place. Panels or screens would conceal the communications equipment but by reason of its height above the roof parapet wall and positioning close to the roof edge, the proposed development on the north east corner of the site would be highly prominent when walking across Market Place. Despite the appellant's claims to the contrary, this element of the proposal would be clearly visible from ground level and would be markedly more obvious than any other existing equipment on the site. Its utilitarian appearance would detract from the symmetry and attractiveness of the building, thereby undermining the significance and character of the public space.
8. An additional pod and apertures would be installed on the roof of the building facing onto South Street. This equipment would be to the south of Market Place and also seen from the public open space, albeit at a distance and on a building where communication equipment is already visible. The height and positioning of this development close to the edge of the roof would result in it being more prominent in the street scene compared to existing equipment. No screening is proposed and the steel pod and apertures would stand out as unattractive additions to the street scene, thereby harming the appearance of the area.
9. The proposed equipment on the west side of the site would be above the roof of a modern building and where viewpoints would be more restricted. As such, this element of the proposal would have no significant visual effect on the street scene. Also, the proposed equipment in the centre of the roof area would have no visual impact from public vantage points. However, the acceptability of these elements of the development fails to address or override the harm that would be caused to the significance of the CA by the siting and appearance of the proposed development on the north eastern and eastern side of the site.
10. For the above reasons, the siting and appearance of the proposal would harm the overall character and appearance of the CA and diminish its significance. Whilst this would not reach the very high hurdle of substantial harm, it would nonetheless lead to less than substantial harm to the CA's significance that requires clear and convincing justification. In line with the National Planning Policy Framework (the Framework), the harm caused to the CA as a designated heritage asset should be weighed against the public benefits of the proposal. Great weight should be given to the asset's conservation in any assessment.
11. The Framework states that planning decisions should support the expansion of electronic communications networks. The proposed development would address deficiencies in telecommunications coverage in an area of high demand and facilitate the upgrade of the next generation of services, including the Emergency Services Network. Such improvements would assist residential and business users and represent economic and social benefits to which I attach positive weight.

12. The appellant states that numerous heritage constraints and lack of sharable structures other than roof tops limits the availability of other sites for the proposed development. There would be benefits to the proposal in that it would represent the utilisation of a roof space already used as a communications site and would allow site sharing, thereby reducing the demand to install equipment elsewhere. However, I attach only modest weight to these benefits given that there is no substantive evidence that shows the development has to be positioned or designed in a way that would be so harmful to the appearance and character of the CA. Whilst an increase in height of equipment may be needed to enable local provision and to clear buildings, no evidence has been provided that demonstrates the equipment has to be positioned on the edge of the roof and in such prominent locations on the east side of the site.
13. Overall, whilst mindful of the advantages of the proposal and the aim to facilitate the growth of telecommunication systems, I consider the public benefits of the proposed development would not outweigh the identified less than substantial harm caused to the CA, to which I attach great weight. Consequently, I conclude the siting and appearance of the proposed development would harm and would not preserve or enhance the character or appearance of the CA. In this regard, the siting and appearance of the proposal would be contrary to policy 10 of the Erewash Core Strategy 2014, saved policy DC6 of the Erewash Borough Local Plan 2005 (amended 2014) and the Framework. These aim, amongst other things, to ensure development makes a positive contribution to the public realm, are acceptable in terms of visual impact and conserve heritage assets in a manner appropriate to their significance.

Conclusion

14. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR