



Appeal Decisions

Site visit made on 13 August 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2020

Appeal Ref: APP/J4525/W/20/3253099

Newcastle Road DNS, Newcastle Road, Monkwearpath, Sunderland SR5 1JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by MBNL (EE Ltd & Hutchinson 3G UK Ltd) against the decision of Sunderland City Council.
 - The application Ref 19/01928/FUL, dated 7 November 2019, was refused by notice dated 28 April 2020.
 - The development proposed is described as a proposed telecommunications upgrade. Proposed phase 7 monopole C/W wraparound cabinet at base and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would affect the character and appearance of the area by virtue of its height and location; and
 - Whether the proposed development would affect the living conditions of occupants living in dwellings on the opposite side of Newcastle Road with regard to dominance and outlook.

Reasons

Character and Appearance

3. The proposed development would be located on and close to the pedestrian pavement that runs alongside a layby on the Newcastle Road in Monkwearpath. This section of the Newcastle Road has several car dealerships with large parking areas to the front and the sides giving the area quite an open appearance. Opposite the site there is a row of semi-detached dwellings.
4. There is an existing, slim telecommunications monopole measuring just under 12 metres in height located very close to the site of the proposed new monopole, together with several steel ancillary service boxes measuring around 1 metre in height. There are streetlights located alongside the Newcastle Road approximately every 40-50 metres which are each around 10 metres in height.

- In addition, there are some vertical security lights along the front of the former Lookers car dealership forecourt which are around 5-6 metres in height.
5. The proposed development would involve the removal of the existing 11.7 metre telecommunications monopole and its replacement with one measuring 20 metres in height. This is the minimum height necessary to ensure the necessary level of coverage across the cell. There would be a steel service box wrapping around the base of the proposed monopole. The monopole would be about 0.5 metres in diameter.
 6. Paragraph 113 of the National Planning Policy Framework (the Framework) advises that operators adopt a sequential approach to the selection of a site for new telecommunications infrastructure. Since the proposal involves replacing an existing monopole with a considerably bulkier, larger and higher structure it would not constitute an upgrade but would, in effect, amount to a new base station which would require sympathetic design or camouflage. Furthermore, the Appellant has not provided sufficient information to demonstrate that alternative sites are not suitable or available. The proposal, therefore, would not be consistent with the approach advised in the Framework.
 7. The Newcastle Road (A1018) is one of the main roads linking Sunderland to the north and is quite heavily trafficked. The site is located on the approach to the River Wear and the city centre from the north where the properties along Newcastle Road begin to transition from being predominantly residential to being industrial and commercial. Other than the Stadium of Light football ground there are no particularly tall buildings evident within the immediate area.
 8. The car dealership showrooms that form the backdrop to the development proposal are about 10 metres in height with quite wide profiles. The stretch of the Newcastle Road containing the car dealerships becomes visually evident from the bridge crossing the Tyne Metro railway about 200 metres to the south and as one passes the entrance to Wetherall Close about 60-70 metres to the north.
 9. There is a telecommunications monopole located along the pedestrian rampway access to the Stadium of Light metro station but, notwithstanding its slightly elevated position, it would be considerably lower than the proposed development. There are no trees close to the proposed development that would provide any form of screening.
 10. Having regard to these facts the full height of the proposed development would be clearly visible to those travelling along the Newcastle Road from around 70 metres north and 200 metres south respectively. It would reach about 10 metres beyond the height of other structures within the car dealership area. The upper half of the proposed telecommunications monopole would be clearly visible and prominent when viewed from beyond the railway bridge to the south and from beyond the entrance to Wetherall Close to the north.
 11. For the above reasons the proposed development would cause harm to the character and appearance of the area. Consequently, it would fail to accord with Policy BH6(2) i and v of the Sunderland City Council Core Strategy and Development Plan 2015-2033 2020 (CS) which require the applicant to demonstrate that the development proposal would have no adverse impact

upon the space around the site and that it is appropriately designed to take account of its setting.

12. Furthermore, it would not accord with the advice set out at Paragraph 113 of the Framework that proposals for new masts should be sympathetically designed so as to minimise any adverse visual impact.

Living Conditions

13. The proposed development would be sited about 20-25 metres from 109 Newcastle Road which would directly face it. Nos 105 and 107 would also have clear views of the structure. Whilst the height of the structure would not be fully evident to those stood back from the front windows of the dwellings the wide diameter would mean that it would be considerably more visible, and therefore considerably more dominant, than the existing 11.7 m high telecommunications monopole and the neighbouring streetlights. This effect of dominance would be even greater for occupants when stood or sat in their front gardens.
14. For the above reasons the development proposal would be visually dominant and overbearing when viewed from the residential dwellings opposite and so would harm the outlook. Consequently, it would fail to accord with Policy BH6(2) vi of the CS that requires the applicant to demonstrate that telecommunications development would not harm the living conditions of neighbouring occupants.

Other Matters

15. The development proposal brought forward jointly by 2 commercial competitor operators is needed to provide 5G services within the area. As advised at Paragraphs 112 and 113 of the Framework, improved mobile connectivity is essential to provide enhanced social and economic inclusion and to facilitate the delivery of artificial intelligence and the internet of things. The height is necessary for compliance with ICNIRP guidelines as well as for service delivery reasons. The proposal is consistent with the need to deliver emergency service network in the area.
16. All the matters in the paragraph above lend support to the development proposal and I attach considerable weight to each of them. However, even when taken together, they do not outweigh my findings in regard to the effect that the proposed monopole structure would have on the character and appearance of the area and upon the living conditions of neighbouring occupants. Consequently, the proposal would fail to accord with the Development Plan taken as a whole.

Conclusion

17. For the reasons set out above the appeal should be dismissed.

William Walton

INSPECTOR