



Appeal Decision

Site visit made on 8 September 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 7th October 2020

Appeal Ref: APP/G2625/W/20/3254501

Pavement at Newmarket Road, Norwich, Norfolk NR2 2HW

- 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, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cornerstone Limited against the decision of Norwich City Council.
 - The application Ref 20/00347/T, dated 28 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is the installation of 1 no. 20m streetworks pole, 1 no. equipment cabinet, 1 no. meter cabinet and associated ancillary development.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The date of the Council's decision in the heading above has been taken from the appeal form, as the decision notice is undated.
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 GPDO makes it clear that the relevant issues to consider when assessing applications of this type are the siting and appearance of the proposed development. As a result, I consider the main issues in this appeal to be:
 - The effect of the proposed development on the character or appearance of the Newmarket Road Conservation Area and on the setting of a nearby listed building, and;
 - Whether any harm caused is outweighed by any identified public benefits, having regard to whether the number of installations at the site have been kept to a minimum and the potential availability of alternative sites.

Reasons

Effect on Conservation Area and listed building

4. The Newmarket Road Conservation Area ("the CA") is centred around this wide and tree-lined main road into the city centre. Associated streets within the CA

generally have a similar appearance, which results in a characteristic leafy and verdant quality. Although the area is built up, built form has a visual subservience to natural form due to the extent and density of trees, hedgerow and other vegetation. As a result, this is an important aspect of the CA, which contributes positively to its appearance and significance.

5. Nos 47-69, Newmarket Road are a terrace of dwellings which form a Grade II listed building ("the LB"). They are set back from the road behind a significant area of trees which forms a garden with walkways. The LB is consequently only glimpsed from the road, and natural form features centrally within views of the terrace. Thus, both the roadside mature trees and those of the garden area form dense vegetation within the setting of the LB, which contributes an integral attractive verdant quality to its significance.
6. Street furniture in the CA generally has a limited extent, which contributes positively to the area's spacious and uncluttered appearance. Some existing street furniture is sited within the footway which lies immediately in front of the garden area. This includes a lamp post and a telecommunications mast pole. The two have a similar height. At this height the features do not visually compete with their backdrop of mature trees, which are generally approximately 13-20 metres high according to the appellant's submission.
7. The appeal proposes the construction of an additional mast pole and associated installations in the vicinity of the existing apparatus. The new mast would provide 5G network coverage for Vodafone customers.
8. The mast would have a height of approximately 20 metres high. It would consequently project above many of the adjacent mature trees by a significant degree. The antennas at the top of the mast would therefore be unduly prominent within both the streetscene and views from surrounding properties.
9. Any screening offered by surrounding vegetation would be limited due to the mast's siting within the footway rather than amongst the mature trees. Screening would be further reduced due to leaf loss from the surrounding deciduous specimens for a proportion of the year, when the bulkier antennas section towards the top of the mast would be particularly visible. Submitted photomontages show the approximate visual effect of the proposed mast from various points. These support these findings.
10. Two cabinets would lie next to the mast. The proposal would therefore increase the number of infrastructure cabinets within a short space of the footway from four to six, and the number of poles from two to three. The proximity and quantity of street furniture proposed would produce an incongruous cluttered effect which would be detrimental to the area's generally spacious appearance. The proliferation of vertical features in close proximity would exacerbate this incongruous effect.
11. The mast would be visible for some distance in either direction due to the relatively straight alignment of the road at this point. The road is subject to regular traffic and has footways to either side, as well as a cycle track. These were in regular use by pedestrians and cyclists at the time of my visit, and as a heavily built-up area close to a city centre there is minimal evidence to suggest that the road typically carries only light pedestrian or cyclist traffic. Furthermore, a bus stop and a refuge within the centre of the road which is likely to be used for crossing lie in the site's vicinity. Newmarket Road is a

main route into the city centre and the proposal would additionally be visible over a longer period to motorists in any traffic congestion. The development would consequently be visible to many passers-by over a longer period than to passing motorists.

12. I acknowledge that the proposed colours of the mast and associated apparatus are unlikely to be out of keeping within their surroundings. However, this would be a neutral effect and consequently it does not overcome the harm which arises from the proposal's siting and appearance with regard to prominence and the cumulative effect of separate items of apparatus.
13. Thus, the proposal would unacceptably disrupt the area's significant "treescape" and would undermine the characteristic subservience of built form to natural form. The cumulative visual effect of the street furniture proposed would be out of keeping with the streetscene. As a result of these factors, the siting and appearance of the proposal would cause harm to the appearance of the CA and to the setting of the LB. This would amount to less than substantial harm to the significance of both the LB and the CA. The views of the main parties align with my own in this regard.
14. In reaching my conclusions I have taken into account development plan policies insofar as they are relevant to the planning judgment to be made. The harm which would arise from the proposal's siting and appearance consequently conflicts with Policies DM3 and DM10 of the Development Management Policies Local Plan (2014) ("the DMPLP"), which concern the design of such proposals. Further conflict exists with Policy DM9 of the DMPLP, which relates to the preservation of the historic environment. Additional conflict exists with the design provisions of the National Planning Policy Framework 2019 ("the Framework").
15. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. As the proposal would cause less than substantial harm to the significance of the designated heritage assets, this harm should be weighed against the public benefits of the proposal.

Public benefits

16. I recognise the importance of advanced, high quality and reliable communications infrastructure, which is essential for economic growth and social well-being. I acknowledge that the Framework supports the expansion of electronic communications networks. Furthermore, the government intends for the majority of the UK population to have 5G network coverage by 2027¹.
17. Policy 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, as amended 2014) ("the JCS") lends support for the provision of telecommunications. Policy DM1 of the Norwich Development Management Policies Local Plan (2014) and Policy 5 of the JCS support proposals with such economic and social benefits. Similarly, Policy 9 of the JCS sets out that the area within which the site is located is a focus for major growth, to which the proposal would contribute through the provision of infrastructure. Furthermore, Policy DM16 of the DMPLP concerns support for the needs of business and Policy 12 of the JCS supports the retention and improvement of local services, both of which the proposal would assist in meeting.

¹ Future Telecoms Infrastructure Review, 2018.

18. However, the benefits would extend only to the customers of the company using the mast, rather than the wider public. As a result, I attach moderate weight to the public benefits of the proposal.
19. Turning to whether the number of installations at the site have been kept to a minimum and the potential availability of alternative sites, I am mindful of guidance within the Framework. This states that the number of radio and electronic communications masts, and the sites for such installations, should be kept "to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged". The Framework additionally indicates that, for new mast proposals, evidence of exploration of the potential of alternative sites should be submitted.
20. The submitted evidence regarding the suitability of alternative single-operator sites in the vicinity of the appeal site provides a minimal description of the design or technical reasons why these were discounted. Furthermore, there is minimal indication that any potential sites which could be suitable for a shared installation have been considered. On this limited evidence, I do not concur with the submission that the location of other potential sites within or adjacent to the CA would inevitably cause harm to its significance.
21. These factors do not allow for a full understanding of the potential suitability of other local sites for a shared installation, or for an assessment of whether the number of sites has been kept to a minimum, in accordance with the guidance of the Framework. As a result, I am not persuaded that sufficient exploration of the possibility of erecting antennas on an existing building, mast or other structure has been undertaken.

Other Matters

22. I observed at my site visit that a small area of hedgerow behind the existing mast and installations appears to be thinner and in worse condition than surrounding hedgerow. However, there is minimal evidence before me to suggest that the siting of the existing apparatus has caused these issues, or that the appeal proposal would have an unacceptably harmful effect on the appearance of adjacent vegetation, and hence its contribution to the significance of the CA. As a result, I do not find that the proposal would result in unacceptable harm in this regard.
23. As I have found that the proposal would cause harm to the character and appearance of the area, I do not concur with the submission that Policy 2 of the JCS, which concerns good design, lends support for the proposal.
24. Policy 6 of the JCS and Policy DM30 of the DMPLP concern access and transport. Policy 10 of the JCS names specific locations for major new or expanded communities. Whilst I have not identified that the proposal would result in any significant conflict with these policies, its compliance with each of them is a neutral matter which does not provide support for the appeal.

Conclusion

25. As I have identified that the proposal would cause less than substantial harm to the significance of the heritage assets, I am required to give great weight to the assets' conservation.
26. Mindful of this point, I consider that the identified moderate public benefits would not be sufficient to outweigh the harm that the siting and appearance of the proposed apparatus would cause to the historic environment, having regard to whether the number of installations at the site have been kept to a minimum and the potential availability of alternative sites.
27. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR