



Appeal Decision

Site visit made on 7 September 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Thursday, 08 October 2020

Appeal Ref: APP/G2625/W/20/3254712

Pavement at Newmarket Road, Norwich, Norfolk, NR4 7LA, Easting 620392, Northing 306363

- 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 & Vodafone Limited against the decision of Norwich City Council.
 - The application Ref: 20/00243/T, dated 13 February 2020, was refused by notice dated 9 April 2020.
 - The development proposed is installation of 1 no. 20m telecommunications 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 Issues

2. The appeal concerns a proposed telecommunications development which 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 GDPO). Within certain limits the GDPO grants permission for the development of telecommunications equipment subject to a prior approval process.
3. The GDPO makes it clear that the relevant issues to consider when assessing applications for this type are the siting and appearance of the proposed development. The main issues are the effect of the proposed development on the character and appearance of the area and the setting of the Unthank and Christchurch Conservation Area (the CA) together with highway safety.

Reasons

Character and appearance

4. The appeal site comprises an area of pavement along the edge of the A11 dual carriageway which provides a main route of access into the city centre. The CA is located approximately 70 metres to the northeast. Areas either side of Newmarket Road are located within the CA. The area surrounding the site is predominantly residential in character, however, extensive vegetation and mature trees soften and break up the built form and make an important contribution to the overall pleasant, verdant and spacious character and appearance of the area and the setting of the CA.

5. Existing masts, associated apparatus and street furniture sited nearby dilute the areas positive characteristics to a limited extent. Nonetheless, I find that the appeal site makes a positive contribution to the overall character and appearance of the area.
6. The submitted drawings indicate that the proposed mast would stand considerably taller than the adjacent trees, existing masts and street furniture. It would project to a significant extent beyond the tree canopy by approximately 2 metres, taking the appellant's measurements, which have not been disputed by the Council. A top-heavy appearance would set it apart from nearby lighting columns and the eye would be naturally drawn towards it. Notwithstanding the use of colours to match the existing telecommunications apparatus, it would appear as a bulky, intrusive and incongruous addition against the skyline that would detract from the character and appearance of the area.
7. Owing to their proposed low height, design and colour, the proposed cabinets would appear as an accepted part of street furniture which are commonplace within highway verges. However, taken together with other apparatus and nearby street furniture the proposal would result in a proliferation of vertical features and a cluttered visual appearance to the detriment of the spacious and verdant character of the area.
8. Views of the proposal from nearby dwellings would be partial given existing boundary treatments and the arrangement of trees along their rear boundaries. However, notwithstanding the presence of some evergreen specimens, views of the proposal would increase at times when foliage is less dense. By reason of being sited towards the mid-point of the pavement, it would appear stark and distinctly separate from nearby trees and vegetation when viewed from the highway, footway and cycleway.
9. There would be very little screening afforded to the proposal. Notwithstanding the presence of other masts, the proposal would be clearly visible and highly conspicuous in both short and long range views in both directions along Newmarket Road owing to its prominent position adjacent to the highly trafficked highway.
10. The appellant has suggested the use of an alternative exterior colour. This would not help to assimilate the proposal with its surrounding environment to an acceptable degree and would not overcome the harm I have described.
11. Overall, the siting and appearance of the proposal would lead to a significant detrimental effect on the character and appearance of the area and the setting of the CA. It would be contrary to Policies DM3, DM9 and DM10 of the Norwich Development Management Policies Local Plan (2014)(LP). Among other things, these policies seek a high quality design that respects, enhances and responds to the character and local distinctiveness of an area. In addition, the proposal would conflict with the aims of the National Planning Policy Framework (the Framework) for new sites and equipment for electronic communications masts to be sympathetically designed.
12. The Council's reasons for refusal also cite a conflict with Policy 6 of the Broadland, Norwich and South Norfolk Joint Core Strategy (2011, as amended 2014). This policy seeks, amongst other things, to achieve the provision of IT links and telecommunications. In my view, the proposal would broadly accord

with its aims. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.

13. The Framework requires great weight to be given to a heritage asset's conservation. The proposal would lead to less than substantial harm. In these circumstances, the Framework requires less than substantial harm to be weighed against the public benefits of the proposal.
14. In terms of public benefits, the proposal would improve coverage and capacity of the 5G telephone network and consequently provide social and economic benefits. As such, the proposal would broadly accord with JCS Policies 5, 9 and 12 and LP Policies DM1 and DM16 in this regard.
15. However, the benefits of the proposal would be limited to the customers of the service provider rather than the wider public. As such, there would be moderate benefit weighing in favour of the proposal. I note the government's aim to support 5G telecommunication infrastructure. However, this needs to be carefully balanced against the visual impact of the proposal. In this case, I do not find that the operational and locational needs of the operator outweigh the significant harm that the siting of the mast in this particular location would cause.

Highway safety

16. By reason of their position within the paved margin at the edge of the cycleway, the doors of the proposed cabinets would open out onto the cycleway during times of service and maintenance. I accept that this could pose an obstruction for cyclists. However, the pavement in this location is wide and, in my view, cyclists and pedestrians would be able to adequately manoeuvre around any obstruction and each other safely. I accept that there are times when usage of the pavement increases, however, based upon my site observations, I am not persuaded that the proposal would cause unacceptable adverse harm to highway safety.
17. The proposal would therefore accord with LP Policies DM10 and DM30 insofar as they seek to ensure new development does not adversely impact the safe and satisfactory functioning of the highway. For similar reasons, the proposal would accord with provisions of the Framework which seek to restrict development on grounds of highway safety.

Other Matters

18. The Framework recognises that the number of 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. The use of existing masts, buildings and other structures for new electronic communication capability should be encouraged. The Framework requires evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored.
19. The submitted evidence fails to properly demonstrate the unsuitability of alternative single-operator sites within the locality, nor does it adequately demonstrate that sites for shared usage are unsuitable. On the limited evidence before me, I am not satisfied that other potential sites have been

properly explored, nor that those sites would cause greater harm than the appeal proposal.

Conclusion

20. For the reasons given above, I conclude that the appeal is dismissed.

E Brownless

INSPECTOR