



Appeal Decision

Site visit made on 12 October 2020

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/U4610/W/20/3256987

Leaf Lane Streetworks 219848, Leaf Lane, Coventry, West Midlands CV3 5NN

- 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, Paragraph A1 of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by EE Limited & Hutchinson 3G UK Limited against the decision of Coventry City Council.
 - The application Ref TELO/2020/1080, dated 7 May 2020, was refused by notice dated 26 June 2020.
 - The development proposed is a "Proposed Telecommunications upgrade. Proposed 20.0m AGL Phase 8 monopole c/w wrapround cabinet at base and associated ancillary works".
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the Proposed Telecommunications upgrade - Proposed 20.0m AGL Phase 8 monopole c/w wrapround cabinet at base and associated ancillary works at Leaf Lane Streetworks 219848, Leaf Lane, Coventry, West Midlands CV3 5NN in accordance with the application Ref TELO/2020/1080 made on 7 May 2020, and the details submitted with it (including plan nos 002A, 003A, 005A, 100A, 150A, 215A, 265A), pursuant to Article 3(1) and the Conditions in Schedule 2, Part 16, Class A, paragraph A.2 and A.3.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 16, Class A, Part A.3(4) require the local planning authority to assess the proposed development on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

Planning Policy

3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have therefore had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed mast upon the character and appearance of the area and the value of the Local Green Space.

Reasons

5. The appeal site is adjacent to an existing mast and related equipment, and the proposal is for a replacement installation to deliver 5G network capacity in the area, in addition to the network services already provided. It is the delivery of 5G services in this area, in line with commercial and policy aspirations which drives the requirement for the height and size of the mast and the amount of associated equipment.
6. As the proposal will replace an existing installation, I do not consider that the siting of the proposed mast would be harmful to the character and appearance of the area. The existing mast is already a somewhat alien feature, being a mast set within trees, adjacent to open space and a road on one side, then a road and the rear of a residential area on the other. The existing mast is already taller than the surrounding trees, and there are no other pieces of street furniture immediately adjacent to it for direct visual comparison. As a result, I consider that the additional height of the proposed mast will not appear substantially greater than, or more harmful than the existing.
7. Whilst I acknowledge that the proposal will result in the removal of some of the vegetation on the site, the proposal does not appear to require the removal of any of the trees on the site. Therefore, coupled with the removal of the existing installation, which is not screened from Leaf Lane by existing trees, I consider that the proposal will not have a significantly greater effect, and would be acceptable in terms of its siting and appearance. In addition, I do not consider that the proposal would result in significant or unacceptable damage to the ground itself, any green features, or cause harm to the ambience of the open space as a whole.
8. I note that the appellant has suggested a number of conditions. As the GPDO does not provide any specific authority for imposing additional conditions, beyond the deemed conditions for development by electronic code operators, I have not imposed them. Had I considered that those conditions were necessary to ensure the satisfactory siting and appearance of the proposal, the appeal would have been dismissed. In any event, I am satisfied that the details within the submission, including those within the drawings concerning finish and detailing the removal of redundant equipment, are sufficient.
9. The Council has cited a number of development plan policies in their decision notice. Insofar as they relate to the siting and design of the proposal, I consider that the proposal accords with policies DE1, C2 and GB1 of the Coventry City Council Local Plan, adopted 2017 and the guidance in the Supplementary Planning Guidance Note 'Telecommunications – A Design Guide', 2005, which elaborates on those policies. It respects its surroundings, including their character and appearance, remains ancillary to the primary use of the Local Green Space and does not impact on the purpose of that land.

Conclusion

10. The proposal is therefore acceptable on the basis of its siting and appearance, taking into account any representations received, and for the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

S Dean

INSPECTOR