
Appeal Decision

Site visit made on 29 October 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/H0738/W/20/3256828

**Oxbridge Lane Street works, Oxbridge Lane, Phoenix Gardens,
Stockton on Tees TS18 4JS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by MBNL (EE Ltd & Hutchinson 3G UK Ltd) against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 20/0657/TEL, dated 17 March 2020, was refused by notice dated 15 May 2020.
 - The development proposed is proposed telecommunication upgrade, proposed phase 7 monopole with wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Background

2. The proposal involves the replacement of an existing 15m high monopole and associated equipment with a 20m high monopole and associated equipment. It is required to facilitate the roll-out of the 5G (fifth generation) mobile telecommunications network in the area.

Main Issues

3. The main issues are the effect of the proposed development on 1) the character and appearance of the area, and 2) the living conditions of occupants of surrounding residential properties in relation to outlook.

Reasons

Character and appearance

4. The appeal site is located on a grass verge on Oxbridge Lane where there is currently an existing telecommunications monopole of approximately 15m in height. The appeal site is adjacent to a two-storey gable elevation of properties on Phoenix Gardens, with the surrounding area being made up of predominantly two storey residential properties. This section of Oxbridge Lane is characterised by having wide grass verges on each side of the road that separate the footpath from the roadway. This gives the area a relatively open aspect.

5. The appeal site, being located in the grass verge, protrudes out into the street-scene. This is also reflective of the streetlighting columns in the area which sit lower than both the existing and proposed installation.
6. The existing telecommunication monopole in the street is a relatively slender and innocuous installation. It does not appear overly obtrusive and sits comfortably with the other structures and buildings in the area. In comparison, the proposal, due to its height, width and bulky headframe would be significantly more prominent.
7. The installation would be significantly taller than any other structure or street furniture within the immediate vicinity. It would extend above the existing streetlighting columns and also be significantly taller than the residential properties on the street behind. The width of the column and the headframe are also considerably greater than any of the other street furniture in the area. It would therefore, as a result of its scale, be highly visible within the street scene and would in my view, represent an incongruous and dominant addition adversely affecting the character and appearance of the area.
8. The installation would, due to its siting protruding into the street, be highly visible from long range views along Oxbridge Lane. Views of the structure would also be in the context of the existing streetlighting columns, however as I have identified, the proposed installation is significantly greater in height, width and bulk than the streetlighting columns.
9. The Council consider that the associated equipment cabinets will add unacceptable levels of street clutter to the detriment of the area. The appellant argues that the equipment cabinets would be permitted development. The proposal before me relates to the whole installation and therefore the cabinets should also be considered in terms of their impact on the character and appearance of the area. As the proposal will include the removal of some existing equipment cabinets and their replacement with cabinets of a similar size, I do not find that there would be harm overall. The equipment cabinets, due to their height and scale, would not be overly prominent in the street-scene and would not cause harm.
10. For the reasons set out above, the mast would cause significant unacceptable harm to the character and appearance of the area. In this regard, it would be contrary to Policies SD8 and T13 of the Stockton on Tees Local Plan (2019) which require, amongst other things that, development responds positively to the quality, character and sensitivity of the surrounding public realm and that new telecommunications development should be sympathetically designed.

Living conditions

11. The appeal site is located in a predominantly residential area. Although the proposal would be visible from some residential properties, notably those in Phoenix Gardens and those on Gainford Road, such views would be at oblique angles or over such a distance that there would not be unreasonable harm to the outlook from these properties.
12. I therefore consider that due to its height, scale, appearance, and siting, the proposed monopole would not cause harm to the living conditions of surrounding residents in relation to outlook. In this regard, it would comply with Policy SD8 of the Stockton on Tees Local Plan (2019) which requires,

amongst other things, that development responds positively to the amenity of occupants of buildings.

Other Matters

13. I note that as the appellant highlights, the site is not within an area with a statutory designation for a particular protection such as for heritage or ecological purposes. The lack of harm to such a protected area does not sufficiently weigh in favour of the proposal to overcome the harm I have identified.
14. The appellant has also referred to the use of the installation as part of the Emergency Services Network (ESN). I have not been provided with any evidence to demonstrate the significance of the current installation in this context or that there is a specific need or demand for the proposal to meet a deficiency in the ESN. I therefore give this argument little weight.
15. The appellant considers that the proposal represents a sustainable form of development, and that such an objective should inform decisions as outlined in the 'Letter to Chief Planning Officers: Planning for Growth' dated 31 March 2011. I have not been supplied with a copy of the letter. In any event, I do not consider that the proposal representing a sustainable form of development (or otherwise) would overcome the harm I have identified.
16. The appellant has submitted a copy of the document titled 'Councils and Connectivity - How local government can help to build mobile Britain' (2018). This document outlines the mobile industry's view on how local government can create an environment that is conducive to the building of mobile infrastructure. Although the document echoes the National Planning Policy Framework in outlining the significance of the telecommunications network, it does not appear to have been through any public examination and I give it little weight in the appeal.
17. The appellant has referred to the lack of a response to their pre-application enquiry. I do not consider that the lack of a response has a bearing on the merits of the appeal. In any event I note that the pre-application submission date of 12 March 2020 and the application submission date of 17 March 2020 would give little opportunity for a considered response to be provided by the Council.

Planning Balance and Conclusion

18. I do not consider that the public benefits of the installation in terms of the enhancement of the telecommunications network, including the sharing capabilities of the structure, its contribution to economic growth and the operational and locational needs of the operators outweigh the significant harm that I have identified to the character and appearance of the area.
19. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR