



Appeal Decision

Site Visit made on 24 November 2020

by R Sabu BA(Hons), BArch, MA, PgDip

an Inspector appointed by the Secretary of State

Decision date: 8th December 2020

Appeal Ref: APP/V1505/W/20/3256983

Land adjacent to No. 3 Oldwyk, Vange, Basildon, Essex SS16 4NU

- 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 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
 - The appeal is made by EE Limited & Hutchinson 3G UK Limited against the decision of Basildon Borough Council.
 - The application Ref 20/00530/TEL, dated 18 May 2020, was refused by notice dated 19 June 2020.
 - The development proposed is installation of 20m high telecommunications phase 7 monopole with wraparound cabinet at base & associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since an application form was not submitted for the application for prior approval, I have taken the appellant's name from the appeal form and the description of development, site address and date of the application from the decision notice in the interests of certainty.

Main Issue

3. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area.

Reasons

4. The site is in a prominent position on the corner of a junction. Other than a modest street sign, the site largely lacks street furniture and given the adjacent grassed area and trees, it has a pleasant green character and appearance that contributes positively to the surroundings and the residential area nearby.
5. The proposal would introduce a 20m high telecommunication monopole at the perimeter of the grassed area on the corner of the junction. Given the limited height of the existing street signs in the area and the height of the nearby two storey buildings, the monopole would project a significant distance above the prevailing roof line. Moreover, since Oldwyk slopes downward away from the

site, and given its considerable height and girth, the proposed siting of the monopole would result in views of it from a significant distance away.

6. Therefore, while the site is not within a designated area, for the foregoing reasons, the siting and appearance of the proposed cabinets would appear discordant against the modest residential backdrop, thereby harming the character and appearance of the area.
7. While the colour of the monopole and wraparound cabinet could be secured by a suitably worded condition, given the siting, height and girth of the proposal, it would not override the harm identified above.
8. Notwithstanding the evidence regarding the replacement of an existing monopole, that scheme is a substantial distance away from the appeal site and the existing monopole is located adjacent to buildings and an area of hardstanding such that the proposal would not be a comparable replacement in terms of siting.
9. Consequently, the siting and appearance of the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policy BAS BE20 of the Basildon District Local Plan Saved Policies September 2007 which requires that the siting and external appearance of any telecommunications apparatus should not have a significantly detrimental visual impact on the District's landscape or townscape as a result of excessive prominence. It would also conflict with the National Planning Policy Framework (Framework) in this respect.

Planning Balance

10. The proposal would provide facilities for 2 telecommunications providers as part of the companies' programme to upgrade the existing mobile/digital telecommunications equipment to accommodate fifth generation wireless (5G) services. I note the evidence which sets out the general economic and social benefits of this technology and its importance in national terms. However, the contribution that the equipment subject of this appeal would provide in national terms would be limited. In addition, I note the technical design constraints for the monopole and that its height is the minimum to meet technical requirements.
11. While I note the evidence relating to 5G coverage in the area, little substantial evidence is before me to demonstrate that the proposed siting of the monopole would mitigate any such shortfall.
12. The Framework encourages the use of existing masts, buildings and other structures for new electronic communications capability and where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
13. The appellant indicates that, since the proposal is for a replacement mast, that other sites have not been investigated. However, given that the proposed site is some distance from the existing monopole, there is little substantial evidence before me to justify the revised siting of the proposed monopole in this location.

14. I acknowledge that the installations are designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-Ionizing Radiation Protection. I also acknowledge that the existing pole would be removed at the earliest opportunity after the proposal is installed.
15. In addition, I note that EE will become the Emergency Services Network Provider. However, little substantial evidence is before me to demonstrate the public benefit of a monopoly in this particular location.
16. Nevertheless, in this case I cannot rule out the possibility that an alternative site might yet be found to address the Council's concerns. Furthermore, I do not consider that the above points or the operational and locational needs of the operators or national strategy to provide 5G services outweigh the significant harm I have identified from the siting and appearance of the pole in this particular location.

Other Matters

17. I acknowledge the evidence regarding highway safety. Given the position of the proposed monopoly and wraparound cabinet at the back of the pavement on the corner of a junction, I am not persuaded that the proposal would not result in an unacceptable impact on highway safety. I also note the evidence regarding pre-application discussions. In any event, given the harm identified above, this point has not altered my overall decision.

Conclusion

18. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR