



Appeal Decision

Site visit made on 4 December 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2021

Appeal Ref: APP/J4525/W/20/3258859

Land opp. 105/107 Newcastle Road, Sunderland SR5 1JB

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE Limited and Hutchison 3G UK Ltd against the decision of Sunderland City Council.
 - The application Ref 20/00765/TEX, dated 14 May 2020, was refused by notice dated 25 June 2020.
 - The development proposed is installation of 20 metre monopole and associated ancillary works (including removal of existing monopole and five ground level cabinets).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description and location of the development have been taken from the decision notice and subsequent appeal documents as these accurately represent the proposal.
3. In its comments on the appeal, the Council refers to a planning application for a 20m monopole in the vicinity of the appeal site which was dismissed at appeal¹. I have had regard to this previous decision in my consideration of this appeal.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance. My determination of this appeal has been made on the same basis
5. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require that regard be had to the development plan. The appellants state that the Council has not identified any adopted policies that they believe the proposal contravenes. In response, the Council refers to policy BH2 of the Core Strategy and Development Plan (CSDP) and I have been provided with a copy of this policy. However, policy BH2 relates to sustainable design and construction and it is not clear from that

¹ Appeal Ref: APP/J4525/W/20/3253099

policy how this relates to the appeal before me. The previous appeal decision refers to policy BH6 of the CSDP which relates to quality communications, and this was identified as the relevant development plan policy for the current appeal in the Council's Questionnaire. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

6. The main issues in this appeal are the effect of the siting and appearance of the proposal on the:
- Character and appearance of the area; and
 - Living conditions of nearby residents with regards to outlook.

Reasons

Character and Appearance

7. The site is located adjacent to Newcastle Road which is a heavily trafficked route serving as one of the main approaches to Sunderland. The site is within the footway adjacent to a commercial area which includes a number of car dealerships and associated car parks. The area on the opposite side of the road is predominantly residential.
8. There is an existing 11.7m high tower on the site with a number of associated service cabinets. This existing tower and most of the cabinets would be removed and replaced with the proposed monopole tower, as well as a number of new cabinets which do not require consent.
9. The existing tower is a slimline structure with a wider antenna shroud at the top. In comparison, the appeal proposal would be significantly higher and of a greater diameter. Due to this increase in height and bulk, the proposed tower would be significantly more prominent within the streetscape, particularly in views along Newcastle Road.
10. There are a number of vertical features in the vicinity of the site, including the existing tower as well as lighting columns, signage and security camera poles. However, the proposed mast would be much higher and of a greater bulk than these features.
11. Although the commercial buildings are of a substantial size, the proposed tower would project above these and they would not provide a degree of screening which would mitigate the visual impact arising from the proposal. In particular, the tower would be set forward of these commercial buildings and would be set against an open area of car parking. There are also no trees or other features in the vicinity of the site which provide screening in views from Newcastle Road or the nearby residential area.
12. On the basis of the above, the proposal would be viewed as an obtrusive freestanding feature which would detract from the character and appearance of the area. Due to the increase in height compared to the existing mast as well as other nearby features, the proposal would be unduly prominent within the skyline rising above the nearby built development and open areas. The position of the proposal close to the roadside would further contribute to the visual dominance of the mast as perceived by passing highway users.

13. For the reasons set out above, I conclude that the proposal would cause significant harm to the character and appearance of the area. In respect of its siting and appearance, the proposal would conflict with policy BH6 of the CSDP in respect of the adverse impact on the space in which it is located and its setting.

Living Conditions

14. The site is located opposite residential properties on Newcastle Road, which would face directly onto the proposal. Due to this arrangement and proximity, the increased bulk of the proposed tower would be readily visible from the habitable rooms to the front of the dwellings opposite the site, with a resultant overdominant and obtrusive effect on the outlook from those dwellings. From some of those dwellings, the proposed mast would be viewed against the open aspect presented by car parking areas, thereby adding to the prominence and overbearing impact of the proposal.
15. The harm in respect of outlook would be exacerbated in views from the front gardens of the residential properties where the full height of the proposed tower would be apparent.
16. For the reasons set out above, I conclude that the proposal would cause significant harm to the living conditions of nearby residents regarding outlook. In respect of its siting and appearance, the proposal would conflict with policy BH6 of the CSDP in respect of the impact on the visual amenities of neighbouring occupiers.

Other Matters

17. In accordance with paragraph 80 of the National Planning Policy Framework (the Framework), I afford significant weight to the economic and social benefits of providing and enhancing electronic communication infrastructure. The appellants emphasise that the proposal would provide a vastly improved level of service (access and speed) to a multitude of users. Furthermore, paragraph 112 of The Framework advises that advanced, high-quality and reliable communication infrastructure is essential for economic growth and social well-being and that the expansion of electronic communication networks, including next generation mobile technology (such as 5G), should be supported.
18. Paragraph 113 of the Framework also states that the use of existing masts is encouraged. Whilst the new monopole is located in a slightly different location than the existing mast, the proposed development is in essence the re-use of an existing site. Nonetheless, paragraph 115(c) of the Framework outlines that for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure should be submitted. The Framework does not exclude replacement masts from such an assessment. The appellants state that no other standalone new facilities have been investigated, and they have provided no evidence in respect of existing buildings, masts or other structures.
19. Whilst the siting of the existing mast may have previously been agreed by the Council on the basis of options at that time, the proposal before me is of a greater scale and therefore raises different considerations. In any event, the approval of the existing mast does not absolve the appellants of undertaking an assessment under paragraph 115(c) of the Framework. On the basis of the

evidence before me, the proposal would therefore conflict with paragraph 115(c) of the Framework.

20. The proposed monopole and cabinets would be shared by 2 operators which would reduce the proliferation of electronic communication equipment in comparison to separate installations. I am mindful that the height of the proposed development must be sufficient to enable local provision and clear surrounding buildings, particularly due to the requirements of 5G installations. Also, the installation needs to be at the specified height to meet relevant guidelines and there is therefore no scope to lower its height. It is also highly likely that the Emergency Services could utilise the network, and the proposal would support the Governments aims regarding 'levelling up' digital connectivity. These factors weigh in the proposal's favour. However, it has not been demonstrated that these benefits would not be possible on an existing building, mast or other structure and they therefore carry limited weight in favour of the appeal.

Planning Balance and Conclusion

21. I conclude that the benefits of the installation in terms of an enhanced telecommunications network as well as the locational needs of the operators would not outweigh the significant harm that I have identified to the character and appearance of the area and the living conditions of nearby residents.
22. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR