



Appeal Decision

Site Visit made on 5 July 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2021

Appeal Ref: APP/H0724/W/21/3273284

Lynn Street, Stranton, Hartlepool TS24 7BY

- 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 Hutchison UK Ltd against the decision of Hartlepool Borough Council.
 - The application Ref H/2021/0079, dated 10 February 2021, was refused by notice dated 9 April 2021.
 - The development proposed is described as "Proposed telecommunications installation: Proposed 20m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works".
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Decision

1. The appeal is dismissed.

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, requires the local planning authority to assess the proposed development solely 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.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The area surrounding the appeal site is characterised predominantly of commercial buildings of ranging sizes. The surrounding area is a typical urban area with common street furniture paraphernalia including street lighting and road signs. It has been indicated that the site is close to a Conservation Area however, it has been described that the site is not located within a statutory designation.
5. The proposal would be significantly taller than existing features in the area and would appear out of keeping with structures such as the nearby street lighting. There would be buildings that are higher than the proposed mast however, given the design, mass and scale of the proposal, it would appear as an unusual feature that dominates the street scene.

6. The appellant indicates that the colour finish of the proposal can be any that is deemed appropriate for the area. The finishing colour would not outweigh the detrimental effect the proposal has on the surrounding area in terms of its siting, scale, style and overall height that would visually jar with its surrounding setting.
7. The proposal would be an obtrusive feature that would have a harmful effect on the character and appearance of the surrounding area. The proposal would conflict with Policies INF5 and QP4 of the Hartlepool Local Plan 2018 and the National Planning Policy Framework which seeks all development to be designed to a high quality and positively enhance their location and setting; and have regard to design and siting techniques.
8. The Council have referred to future regeneration possibilities in the surrounding area, including a film studio. Insufficient detail has been provided on these regeneration schemes and I cannot be sure how the appeal scheme would affect them. I have dealt with the appeal on the current circumstances of the area. This matter does not alter my findings above.

Other Matters

9. In terms of perceived potential health risks associated with the installation of the proposal, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines in this regard.
10. There are no residential properties within close proximity to the appeal site and as such there would be no adverse effect on the living conditions of residential occupants.
11. It appears pre-application advice was submitted on the proposals. Given the dates of the submitted documentation for the pre-application submission and the prior approval application, along with email evidence, it does not seem that the Council and other stakeholders had sufficient opportunity to engage fully with the pre-application submission.
12. It has been indicated that the associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval. This matter does not alter my findings above with regards to the harm from the proposed mast.

Planning Balance

13. The proposal would bring public benefit arising from the 5G installation including smarter infrastructure and benefits contributing towards environmental benefits; improved connectivity which is essential for future success of the economy, better society, and fulfilling potential of new technologies.
14. The appellant describes the need for the mast to be 20 metres high is essential as the height of the monopole must be sufficient to enable local provision and clear surrounding buildings. In addition, it has been stated that the monopole with 5G also needs to be 20 metre to clear ICNIRP guidelines and thus there is no scope to lower the monopole. There is no clear evidence before me which indicates that the mast cannot be lower than 20 metres for it to remain

operational or meet the required guidelines. There is also an email dated 23 March 2021 which implies that the proposed mast can be reduced.

15. The appellant has submitted a sequential approach on site selection with around eleven sites identified and all were discounted for various reasons including coverage, proximity to residential and insufficient pavement width. Insufficient information, including technical data and relationship with adjoining residential buildings, has been submitted to clearly determine why these other sites were discounted and not appropriate as potential alternative sites.
16. I have had regard to the appellants statement of case including material considerations that contribute to the delivery of sustainability and requirements detailed in the 'Letter to Chief Planning Officers: Planning for Growth'.
17. The proposal would result in public benefits to the area. However, from the evidence before me, I am not convinced that alternative options including other sites or redesign of the proposal have been fully explored. The benefits and matters described above therefore do not outweigh the substantial harm that I attribute to the affects that the proposal would have on the character and appearance of the surrounding area.

Conclusion

18. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
19. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR