
Appeal Decision

Site visit made on 2 June 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2021

Appeal Ref: APP/N1025/W/21/3270178

Hallam Fields Road, Ilkeston, Derby DE7 4FW

- 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 against the decision of Erewash Borough Council.
 - The application Ref ERE/0820/0039, dated 17 July 2020, was refused by notice dated 4 February 2021.
 - The development proposed is described on the application form as 'proposed 30.0m telecommunications installation upgrade and associated works'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have described the development as 'Proposed 30m telecommunications tower and associated works'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides an accurate description of the proposal and I have therefore determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, and in the event that any harm is identified, whether that harm would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

4. The appeal site is situated within the car park of an industrial business. This car park sits within a visual gap between the industrial buildings belonging to this business and nearby residential properties. There are also areas of public open space, playing fields and a canal next to the site. The River Erewash is in between this open space and the playing fields. The surrounding area is a mixture of residential and industrial use. The proposal would install a slimline lattice tower with an approximate height of 30 metres on a concrete base with cabinets also being installed on the tower base. This installation would also have a perimeter of fencing around it with a height of just over 2 metres. The proposal would be located towards the far end of the car park near to its boundary with the Erewash Canal. It would also be relatively close to the rear of the residential properties which back onto the other side of the car park.

5. Therefore, given its scale, massing, height, and the fact that it would not be camouflaged or screened when viewed from certain directions means that it would interrupt the visual gap between the buildings at this end of the car park and also the existing views and outlook from the nearby residential properties. Furthermore, for similar reasons, it would also be clearly visible from several public vantage points such as the playing fields, open space and canal path as well as from the footpaths on Noskwith Street. The proposal would also be much taller than the existing row of mature trees on the other boundary meaning that they would not sufficiently screen it when viewed from the other side.
6. As a result, from these directions the proposal would, appear bulky and intrusive particularly when seen against the skyline. It would therefore represent a discordant addition to the area thereby having an unacceptable adverse visual impact. It is therefore my view that the proposal would, particularly from certain directions, appear as an intrusive feature that would significantly and harmfully detract from the character and appearance of the area.
7. I note the appellant's point that they have attempted to provide a discreet development at the site using the sequential approach which in their view accords with the requirements of paragraph 113 of the National Planning Policy Framework (the Framework). However, given the nature of the proposal it is not easy to see how an installation with a mast approximately 30 metres in height would be discreet or represent a design sympathetic to the area. Moreover, no attempt has been made to adequately camouflage the proposal which given my findings above would be appropriate in this case.
8. I also note that when viewed from the residential area bounding the car park that from certain vantage points the proposal would be set against a visual backdrop of the industrial buildings behind it. However, this would not be the case from the residential properties closest to Hallam Fields Road where the visual backdrop would be the mature trees and open space beyond them. It would also not be the case when viewed from certain vantage points on the canal path, open space and playing fields. In any event, given its height and massing the proposal would visually dominate these industrial buildings meaning that their mitigating impact as a backdrop would be limited.
9. Accordingly, and being mindful of paragraphs 80, 81, 112 and 113 of the Framework, I conclude that the proposed development would materially harm the character and appearance of the area thereby failing to meet the requirements of Policy 10 of the adopted Erewash Core Strategy and saved policy DC6 of the adopted Erewash Local Plan.

Other considerations

10. The benefits that the proposal would provide include: meeting a need for 5G mobile phone coverage in the area given the lack of suitable alternative sites; allowing multiple operators to share base stations; the appeal site not being in a sensitive area; and that the emergency services use the EE network. These benefits carry modest weight in favour of the appeal scheme.
11. I also note the fact that the proposal needs to be 30 metres in height to enable local provision and accommodate changes in topographical levels and ensure suitable coverage as there is a gap in local 5G cell coverage. However, no

substantive evidence, such as a coverage map, has been submitted to support this. As a result, I afford this consideration little weight.

Other Matters

12. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Planning Balance and Conclusion

13. I have taken into account the need for the installation relating to the provision of new 5G network coverage and the apparent lack of suitable alternative sites which weigh in favour of the appeal scheme. However, I am in no doubt that the proposal would be harmful to the character and appearance of the area, particularly because of its size and it being situated in a prominent visible location. In that respect the proposal would be in clear conflict with the development plan and the Framework when read as a whole. As a result, it is my overall view that the need for the installation does not in this case, outweigh the harm.
14. Therefore, having had regard to all matters put forward, including the appellant's views on the sustainability of the proposal and the support offered by the Framework and the Code of Best Practice¹ to both sustainable development in general, and more particularly towards the creation of a high quality communications infrastructure, I find nothing to alter my conclusion that, for the reasons set out above, the appeal should be dismissed.

C Coyne

INSPECTOR

¹ The Code of Best Practice on Mobile Network Development in England 2016