



Appeal Decision

Site visit made on 21 April 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/X1355/W/21/3267991

Land west of 9 Pelaw Crescent, South Pelaw, Chester le Street DH2 2HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 MBNL against the decision of Durham County Council.
 - The application Ref DM/20/01572/PNT, dated 14 June 2020, was refused by notice dated 10 August 2020.
 - The development proposed is a 5G 20m high monopole.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address detailed on the application form differs from that on the appeal form and decision notice. I have used the address detailed on the appeal form because it more concisely details the location of the appeal site and has been used by both the Council and latterly by the appellant.
3. I have used a shortened version of the description of the proposed development detailed in the appeal form because it more accurately and concisely describes the development proposed.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and 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, taking into account any representations received. My determination of this appeal has been made on the same basis.

Planning Policy

5. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

6. Since the determination of the application the County Durham Plan has been adopted, Policy 27 replaces and is reflective of Policy PU6 of the Chester-le-Street District Local Plan.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposed telephone kiosk upon the character and appearance of the area

Reasons

8. Policy 27 relates specifically to the provision of telecommunication masts and details that new masts will be permitted where it can be demonstrated that the scheme will not cause significant adverse impacts or that benefits outweigh the adverse impacts.
9. The appeal site is located in a prominent location at the junction of Pelaw Crescent and Pelton Lane. The junction area includes a grassed area with a number of trees, creating an open and verdant character that is particular to this local area.
10. The submitted plans show that the proposed monopole is, in the context of the adjacent trees, of a substantial height and would consequently not be screened by the trees in any meaningful way. Furthermore, the location of the proposed pole is adjacent to the highway and consequently the proposed pole would be seen as a prominent and incongruous feature in the area.
11. The submitted plans show that the proposed pole would be located in close proximity to a number of existing trees. The Council's Arboricultural officer consultation response details that "canopy spread may be problematic in the future and pressure to remove or continually prune trees will be put upon DCC arboricultural services", I have no substantive evidence to the contrary before me. Furthermore, I note that the officer suggested an alternative site nearby.
12. Therefore, based on the evidence before me and my observations at the site visit, the removal or substantive pruning of the trees near to the appeal site may be necessary in the future and this would harm the character and appearance of the area.
13. The appellant details that the appeal scheme is necessary to replace the service lost at another site on Pelton Lane situated approximately 315m away. The proximity of the sites allow continued service provision in this area.
14. the appeal scheme would, as detailed by the appellant, "facilitate significantly improved connectivity in the TDH2 post code area for improved data capacity that is lost due", I am aware that the DH2 postcode area covers a significant geographic area and on the basis of the evidence before me I am not satisfied that it has been demonstrated there are no alternative or preferable sites.
15. That the service provided by the monopole is a public benefit is not at dispute between the parties and is a material consideration that weighs in favour of the appeal it does not outweigh the harm I have previously identified.
16. I find that the siting and appearance of the appeal scheme would harm the character and appearance of the area and the appeal scheme is therefore contrary to policy 27 of the County Durham Plan, that relates specifically to the provision of new telecommunication masts, insofar as it is material to the siting

and appearance of the appeal scheme and there are no material considerations that outweigh this harm.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR