



Appeal Decision

Site visit made on 5 July 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2021

Appeal Ref: APP/J4525/W/21/3272048

Footway at Newcastle Road, Sunderland SR5 1QL

- 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) Order 2015.
 - The appeal is made by MBNL against the decision of Sunderland City Council.
 - The application Ref 20/01782/TEX, dated 18 September 2020, was refused by notice dated 13 November 2020.
 - The development proposed is the installation of a new 18 metre high monopole supporting 6 no. antennas with a wrap around equipment cabinet at the base of the column, the installation of 4 no. new equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) for the installation of a new 18 metre high monopole supporting 6 no. antennas with a wrap around equipment cabinet at the base of the column, the installation of 4 no. new equipment cabinets and ancillary development thereto at Footway at Newcastle Road, Sunderland SR5 1QL in accordance with the application Ref 20/01782/TEX made on 18 September 2020 and the details submitted with it including plans 002 Issue B, 100 Issue B, 150 Issue B, 215 Issue B & 265 Issue B.

Procedural Matter

2. 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 regard to be had to the development plan. 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 Issue

3. The main issue is the effect of the development on the character and appearance of the area with particular regard to its siting and appearance.

Reasons

4. The appeal relates to the provision of an 18m high monopole which would support 6no. antennas with associated equipment cabinets. It is required partly in association with the roll out of 5G technology.
5. The appeal site is located within the footway on the western side of the busy A1018 Newcastle Road. Regardless of whether the site is classified as being within the more open Carley Hill landscape character area or the more urban Southwick, Fulwell, Monkwearmouth and Roker landscape character area, the immediate environment at the appeal site is dominated by the road where swiftly moving traffic utilises its four lanes.
6. When approaching from the south, the equipment would be viewed in the context of a car dealership which occupies a wide frontage on the western side of the road, associated lighting columns and existing telecommunications equipment. When approaching from the north, it would be viewed within the context of the road, including numerous street lighting columns and trees that bound the highway.
7. The location does not have a residential character and the housing that is located to the east on Cairns Road is set back behind a grassed bank. It is at a lower level which serves to separate that residential environment from Newcastle Road.
8. The monopole would be higher than the existing telecoms equipment and the lighting columns and would be more visually prominent. It would also be higher than many of the trees on the western side of the road, although I noted on my site visit that there is a taller tree close to the appeal site which would be likely to soften the visual impact of the monopole. In any event, the monopole would not be an unexpected structure on a busy main road which has a partly commercial character.
9. The antennas that would be included would not be especially bulky and would not significantly increase the bulk or profile at the top of the monopole. The intended steel grey finish would be in keeping with the existing vertical columns to the south, while the green equipment cabinets would be neatly placed towards the back of the footway, set against the backdrop of the trees. They would not form a visually cluttered arrangement, even when accounting for the existing telecommunications equipment further to the south.
10. Due to these factors, the proposal would not adversely affect the character or appearance of the area and would not detract from either of the landscape character areas. It would therefore be acceptable in terms of its siting and appearance.
11. Policy BH6 of the Sunderland Core Strategy (2020) is a material consideration relevant to matters of siting and appearance given that it relates directly to digital technologies which this proposal seeks to facilitate. It supports quality communications requires that new telecommunications infrastructure must demonstrate that there would be no significant adverse effect on the space in which they are to be located. I have not identified any conflict with this policy. I have not found conflict with the requirements of the Framework¹.

¹ National Planning Policy Framework 2021.

Conditions

12. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. I have not therefore added the condition suggested by the Council in relation to the colour finish of the equipment. In any event the finishes detailed within the evidence would not be unacceptable within the context of the surroundings.
13. The proposal is subject to the conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2) of Schedule 2, Part 16, Class A, which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

T J Burnham

INSPECTOR