



Appeal Decision

Site visit made on 31 August 2021

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

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/X1355/W/21/3274757

Front Street, Framwellgate Moor, Durham DH1 5AU

(Grid Ref Easting: 426420; Grid Ref Northing: 544349)

- 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 MBNL against the decision of Durham County Council.
 - The application Ref DM/21/00650/PNT, dated 19 February 2021, was refused by notice dated 14 April 2021.
 - The development proposed is installation of new 17m high monopole, to install 4 no. new cabinets and to relocate 2 no. existing cabinets, and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal.
3. The location of the development has been taken from the planning application form, and the description has been taken from the decision notice and subsequent appeal documents, as these accurately represent the proposal.
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 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.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is located within the pavement adjacent to Front Street, which is one of the main roads leading through the area. The proposal would be sited next to an open car park which serves a commercial building approximately 5m high. There are a number of 2-storey buildings in the area, although the site

would be primarily viewed within the context of the car park and commercial building. Due to its location on a bend in this busy road, the appeal site is particularly prominent within the streetscape.

7. There is an existing mast and associated cabinets located some distance to the south of the site. This mast is of a slender design, and although it is also located next to an open car park, it is not adjacent to the through road and is not as prominent within the streetscape as the appeal site due to its scale and location. A degree of screening is also provided by a 2-storey building near to the mast. The existing mast and cabinets would be removed as a result of the proposal, which would therefore not lead to a proliferation of masts in this area.
8. Compared to the existing mast, the appeal proposal would be higher, of greater width and with a bulkier antenna headframe. It would also be significantly taller than the commercial building behind the appeal site. The height and/or width of the proposal would also be significantly greater than other vertical features in the area, including streetlights and signage. This reflects the conclusions of an Inspector in respect of a previous appeal¹ at this site. Although the current proposal has been reduced in height compared to the previous appeal, this would not address the matters of the width and bulk of the proposal, or its prominent location. Due to the design of the mast and its prominent location, it would be viewed as an unacceptably obtrusive freestanding feature within the streetscape.
9. Although the existing mast would be removed, the appeal proposal would consist of a new mast in a new location. Paragraph 117(c) of the Framework requires evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. Policy 27 of the County Durham Plan 2020 also specifies that where a new site is required applicants must demonstrate to the council's satisfaction that the use of existing sites in the area have been fully explored and are not feasible. The appellant states that this site is the only viable solution, but has provided no substantive evidence to support this. Furthermore, no substantive evidence has been provided with regard to the potential for using the less-prominent site of the existing nearby mast.
10. For the reasons set out above, I conclude that, due to its siting and appearance, the proposal would cause significant harm to the character and appearance of the area. The proposal would conflict with policies 27 and 29 of the County Durham Plan and the Framework in respect of the sympathetic design of telecommunications infrastructure and the consideration of existing sites.

Other Matters

11. I am mindful of 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 114 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

¹ Appeal Ref: APP/X1355/W/20/3260964

electronic communication networks, including next generation mobile technology (such as 5G), should be supported.

12. The proposal would be shared by 2 operators and would also be used by the Emergency Services Network. The facilitation of sharing may also remove the need for any future additional telecommunications masts in this location. The proposal would also support the Governments aims regarding 'levelling up' digital connectivity.
13. These matters weigh in the proposal's favour. However, it has not been demonstrated that these benefits would not be possible on an existing mast, building or other structure in the vicinity of the appeal proposal which are more suitably located in respect of character and appearance, including the site of the existing mast. These benefits therefore carry limited weight in favour of the appeal.

Conclusion

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

David Cross

INSPECTOR