
Appeal Decision

Site visit made on 28 September 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/M3455/W/21/3276583

Footway at junction of London Road and Fremantle Road, Stoke-on-Trent ST4 5NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission required under Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL on behalf of H3G UK Limited against the decision of Stoke-on-Trent Council.
 - The application Ref 65875/PRA, dated 2 October 2020, was refused by notice dated 22 December 2020.
 - The development proposed is the installation of a new 20 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 dismissed.

Procedural Matters

2. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties were afforded the opportunity to comment on the implications of the revised Framework in terms of the determination of the appeal.
3. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority and therefore the Secretary of State 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.
4. 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 and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. In the context of the above, the main issue is the effect of the siting and appearance of the development upon (i) the character and appearance of the

area and (ii) the living conditions of the occupiers of nearby residential properties in respect of outlook.

Reasons

Character and appearance

6. The 20 metre high mast and four equipment cabinets would be positioned in a prominent corner location at the junction of London Road with Freemantle Road. At this point, and apart from the approximately 8 metre high street lights, there is a notable absence of street apparatus within the pavements. This is in direct contrast to the existing 10 metre high mast outside the Oak Tree public house which is located within a part of London Road where there is a close-knit proliferation of street apparatus, including telecommunications equipment cabinets, a bus shelter, street lights and a refuse bin. The latter development is very much associated with the more commercial part of London Road, whereas the appeal site is appreciated by passers-by as being more closely aligned with residential properties on London Road and Fremantle Road.
7. The proposed mast would include a bulky wrap-around equipment cabinet at its base. In addition, there would be four new equipment cabinets spread across a large section of the curved pavement. To this extent, the proposal would introduce a very significant proliferation of street apparatus into what is a prominent corner location and in an area of London Road and Fremantle Road where the pavements are predominantly open and without obstruction. The proposal would have the effect of leading to an unacceptable dispersal of urban clutter into what is a more open and residential environment.
8. In addition to the above, the mast would be seen as a substantially taller structure when compared to the regularity afforded by the much smaller street lights and telegraph pole, and, unlike the mast outside the Oak Tree public house, would not be softened by the backdrop of any immediate tree.
9. The variation in the width of the pole at different sections would seek to draw even greater attention to the development when seen by passers-by. Indeed, it would appear as an incongruous and obtrusive addition to the street-scene when seen from London Road and from Fremantle Road, as well as by the residents that live in the dwellings on the opposite side of London Road and, at an oblique angle, from No 679 London Road.
10. From a siting and appearance point of view, I therefore conclude that significant harm would be caused by the development to the character and appearance of the area. Consequently, the proposal would not accord with the design, character and appearance requirements of policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and chapter 12 of the Framework.

Living conditions

11. In respect of the main issue above, I have already concluded that the development would look out of place when seen from dwellings on the other side of London Road and from an oblique angle from No 679 London Road. However, there is a difference between the effect of development on the character and appearance of the area and the living conditions of the occupiers of neighbouring residential properties in respect of outlook.

12. While the development would be very noticeable when seen by the occupiers of neighbouring properties, it would nonetheless be positioned sufficiently far away from these nearby dwellings so as to not have an unacceptably enclosing impact on residents. Consequently, I do not find that the development would lead to a material loss of outlook for the occupiers of any nearby residential property.
13. From a siting and appearance point of view, I therefore conclude that the proposal would not cause significant harm to the living conditions of the occupiers of nearby residential properties in respect of outlook. Therefore, the proposal would accord with the amenity requirements of paragraph 127 (f) of the Framework.

Other Considerations

14. This proposal would deliver economic and social benefits including the ability to advance 5G technological innovations, in accordance with paragraph 114 of the Framework. This is a matter to which I afford very positive weight in the planning balance. I am also cognisant of the technological requirement to site the proposed mast as close as possible to the existing mast outside the Oak Tree public house, so as to provide upgraded 3G and 4G coverage and capacity and new 5G coverage to the same target coverage area. This, along with issues relating to underground services at the existing mast site, are matters which I have taken into account in reaching my overall conclusion below.

Planning Balance and Conclusion

15. While from a siting and appearance point of view the proposal would not cause material harm to the outlook afforded to the occupiers of nearby residential properties, very significant harm would be caused to the character and appearance of the area. This is a matter of overriding concern and outweighs the other considerations outlined above. I therefore conclude that the appeal should be dismissed.

D Hartley

INSPECTOR