



Appeal Decision

Site visit made on 14 September 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2021

Appeal Ref: APP/H0724/W/21/3279707

Cleveland Road, West View, Hartlepool TS24 0TD

- 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 Hutchison UK Ltd against the decision of Hartlepool Borough Council.
 - The application Ref H/2021/0194, dated 25 April 2021, was refused by notice dated 21 June 2021.
 - The development proposed is 15m phase 8 monopole c/w wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require such proposals to be assessed on the basis of the proposal's siting and appearance, taking into account any representations received, and the policies of the development plan and National Planning Policy Framework (the Framework) only in so far as they are material considerations in relation to siting and appearance. I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposal's siting and appearance on the character and appearance of the surrounding area.

Reasons

4. Cleveland Road is a busy road linking Hartlepool's Headland area with the town centre and skirts the northern side of a large area of open land with the docks beyond. Running parallel to the road on its northern side is a lengthy tree and shrub buffer strip which visually separates Cleveland Road from the residential area beyond. Together with overgrown shrubs and undergrowth along the southern side of the road, it has a relatively pleasing, almost verdant character which belies the nature of the adjacent land uses, particularly those to the south and the docks beyond.

5. The proposed monopole and cabinets would be sited on the rear edge of the pavement on the inside of the junction of Cleveland Road and Mountbatten Close. The nearby tree belt and landscaped buffer strip would, as the appellant states, provide some screening of the installation from the residential area to the north.
6. However, on approach from the southwest, the site lies on the outside of the slight bend in the road. Its location at the rear edge of a wide area of pavement, and some distance away from the nearest point of the landscaped buffer strip, would leave it visually isolated. Moreover, as Cleveland Road straightens out to the east of the site, the monopole would stand forward of the buffer strip and would not benefit from any meaningful screening from the tree canopies along this side of the road. The effectiveness of the trees and tree canopies is, in my judgement, overstated by the appellant and would not provide any degree of meaningful screening along Cleveland Road.
7. Nor would the streetlights provide useful mitigation to any great extent. They would provide a vertical context in which the monopole would be seen, but they are altogether more slender structures than the proposed monopole. Furthermore, the proposed location on the inside of the junction, where ground levels fall away slightly towards the residential areas and in an isolated location between road and buffer strip would merely emphasise rather than minimise its intrusive and dominant presence, whilst also obscuring views of a local public art installation within the grass verge.
8. The monopole's height and relative bulk compared to the streetlight columns and other structures such as the nearby bus shelter with which the appellant invites comparison, means that it would lack the 'human' scale of these other structures, as well as relating poorly to them in terms of siting and positioning. Thus, by virtue of its inappropriate siting, strident appearance and substantial height and bulk in comparison to other streetscene features, it would be an incongruous and intrusive addition to the street, poorly related to existing features.
9. Whilst Hartlepool Local Plan (HLP) policy INF5 is supportive of telecommunications development, that support is subject to a range of factors. For the reasons I have set out above, the proposed installation would be an intrusive feature within the street scene, and of a scale, height and appearance that would dominate the local surroundings and disrupt the pleasantly low-key character of the area. For the same reasons, the proposal would also fail to secure the standards of high-quality design set out by HLP policy QP4.
10. I accept that the appeal site location does not lie within a conservation area or affect the setting of any listed buildings. It is also clear that the site lies within an urban area and that telecommunications infrastructure is a commonly seen feature within such urban areas. However, the siting and appearance of the proposal would be harmful to the character and appearance of the surrounding area and as such would be contrary to both HLP policies INF5 and QP4.

Other Matters

11. The National Planning Policy Framework (the Framework) and HLP policy INF5 both recognise the importance of advanced, high quality and reliable communications infrastructure to economic growth and social well-being. The Framework goes on to state that planning decisions should support the

expansion of networks, including next generation mobile technology such as 5G. The number of masts and sites for installations should be kept to a minimum consistent with the needs of customers and efficient operation of the network, and existing masts, buildings and other structures should be utilised. Where new sites are required, such as for new 5G networks, equipment should be sympathetically designed and camouflaged where appropriate.

12. A range of alternative, and subsequently discounted, sites have been submitted but, having carefully considered the evidence, I share the Council's view that the level of detail provided is not sufficient to fully assess their suitability, or otherwise. I have also carefully considered the appellant's stated technical limitations in terms of cell size, height of monopole and the drive to improve service and coverage. However, whilst giving these matters due consideration, I cannot be certain that there are not sequentially preferable alternative sites or that the appeal site is the only viable option within the cell search area.
13. It has been indicated that the associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval. This matter does not alter my findings above with regards to the harm from the proposed mast.
14. Although the appellant states that robust the pre-application consultation was conducted, including with the local planning authority, the Council's summary of the chronology of events suggests a rather more condensed process. Rather, the previous application¹ for a taller monopole was formally submitted within a matter of days of the pre-application request, and prior to the Council being able to reply. However, the approach of both parties to the value of pre-application consultation is a matter for them to resolve and does not alter my findings above with regard to harm I have identified.

Conclusion

15. The proposed installation would facilitate the rollout of 5G telecommunications infrastructure and coverage, the social, economic and public benefits of which the appellant has drawn my attention to. The Framework acknowledges the essential nature of advanced, high quality and reliable communications infrastructure to economic growth and social well-being.
16. Having reduced the height of the monopole following the refusal of a previous application¹ I am mindful of the appellant's argument that the proposed height is the minimum possible in order to provide the maximum possible interference-free 5G coverage. I am also mindful of the gaps in 5G coverage identified by the appellant's coverage maps and the contribution that enhanced coverage would make as a public benefit to residents of, and travellers travelling through, the area.
17. In line with the provisions of the Framework, these are all factors to which I give substantial weight in support of the proposal. However, on balance these factors are not sufficient to overcome the harm that I have identified as arising from the siting and appearance of the proposed monopole, and the consequential impact that these matters would have on the character and appearance of the surrounding area. The proposal would be inconsistent with the principles of HLP policies INF5 and QP4 which seek to ensure high-quality

¹ LPA Ref No: H/2021/0092

and appropriate design in relation to telecommunications development, and development more generally, and positively utilise screening and landscaping to minimise the impact of the equipment.

18. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR