



Appeal Decision

Site Visit made on 19 October 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/W4515/W/21/3281647

Benton Lane, Benton, Forest Hall, North Tyneside NE12 8JD

- 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 GPDO).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of North Tyneside Council.
 - The application Ref 21/01503/TELGDO, dated 12 June 2021, was refused by notice dated 3 August 2021.
 - The development proposed is a 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and approval is granted under Schedule 2, Part 16, Class A of the GPDO for the siting and appearance of a 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Benton Lane, Benton, Forest Hall, North Tyneside NE12 8JD in accordance with the terms of the application Ref 21/01503/TELGDO, dated 12 June 2021, and the plans submitted with it, subject to the relevant conditions of the GPDO and the following additional condition:
 - 1) The mast and associated cabinets shall be coloured in accordance with details which have first been submitted to and approved in writing by the local planning authority prior to their installation.

Preliminary Matter

2. The provisions under Schedule 2, Part 16, Class A of the GPDO requires 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, having regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are relevant to the development and prior approval matters.

Main Issue

3. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area and on the outlook for the residents of nearby properties.

Reasons

4. The proposed telecommunications apparatus would be located at the back of the pavement on the eastern side of the A188 Benton Lane, which is a major

arterial route with a typically urban character. For most parts the road is wide, tree-lined on both sides, and contains common street furniture including street lighting columns, bus stops and traffic lights. A short distance to the south of the appeal site is a major four-way intersection with a high concentration of street furniture.

5. The apparatus would therefore be located within an area that is already populated by a range of vertical features and roadside infrastructure. Within this context, and if appropriately coloured to match the existing street lighting, it would be a relatively unremarkable feature. Although the mast would be taller than the street lighting columns, trees, and houses in the vicinity, it would have a fairly slim and uncomplicated profile, which in the context of this wide urban road and the plethora of other street furniture, would not be overly dominant or visually obtrusive in the street scene.
6. The mast would also be visible within a more residential context in Elmsford Grove where the top part would be silhouetted against the sky. However, it would not be too dissimilar to the lamp posts and telegraph poles which also rise noticeably above the backdrop of trees and buildings, so it would not be an isolated feature in this respect. Having regard to its height and location at the end of the street, as well as the softening effect of surrounding trees, it would not be visually obtrusive or over dominant in these views either.
7. I have also had regard to views from nearby properties. The nearest houses on the east side of Benton Lane are set back from the road behind the line of trees and across an estate road running alongside the main road. Due to its siting in the gap between the houses, slim profile, the intervening distance, and the filtering effect of the trees, the mast would not be unacceptably overbearing or intrusive when viewed from the nearby properties, such that their outlook would not be substantially affected. The houses on the west side of Benton Lane are located even further away and beyond a wide treed verge, and so similarly would not have their outlook substantially affected.
8. For these reasons, I conclude that the siting and appearance of the proposal would not result in significant harm to the character and appearance of the area, or to the outlook for the residents of nearby properties. Whilst not determinative, in these regards the proposal complies with Policy DM7.11 of the North Tyneside Local Plan 2017, and the advice in the Framework, which together seek to ensure that telecommunications developments minimise the impact on visual amenity and respect the character and appearance of the surrounding area.

Other Matters

9. Although not matters raised by the Council, representations have questioned the need for the installation in this location. However, the Framework is clear that the need for an electronic communications system should not be questioned, and that the provision of high quality communications infrastructure, including next generation technology such as 5G, is essential for economic growth and social well-being. Furthermore, the appellant's unchallenged evidence indicates that there is a need for improved coverage in this area and that the sequential approach to site selection set out in the Framework has been followed. Given my findings above, it is not necessary to undertake any detailed assessment of the merits of the alternative sites that were discounted.

10. Concerns have also been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
11. Reference has been made to potential implications for creation of a new vehicle access from Benton Lane at this location, but I have no substantive evidence that any such works are likely to occur, or that emergency service access would be prejudiced as a result of the proposal. It is significant that there was no objection from the local Highways Authority in this regard.
12. The identity of the operators of the installation and any effect on property values are not factors which have a bearing on my consideration of the planning merits of the proposal.
13. The evidence before me indicates that appropriate publicity and consultation for the proposal and appeal has been carried out.
14. Accordingly, the concerns raised do not affect or override my conclusions on the main issue.

Conditions

15. In addition to the standard conditions set out in the GPDO, the appellant has indicated that a condition relating to the colour finish of the monopole would be acceptable. I am satisfied that this matter is reasonably related to the subject matter of this prior approval and is necessary to ensure an appropriate visual appearance of the development.

Conclusion

16. For the reasons given I conclude that the appeal should succeed.

A Caines

INSPECTOR