



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: 02 November 2021

Appeal Ref: APP/W4515/W/21/3280718

Beaumont Drive, Monkseaton, Whitley Bay NE26 3JH

- 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 Hutchison Networks (UK) Ltd against the decision of North Tyneside Council.
 - The application Ref 21/01272/TELGDO, dated 9 May 2021, was refused by notice dated 7 July 2021.
 - The development proposed is a 15.0m 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 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Beaumont Drive, Monkseaton, Whitley Bay NE26 3JH in accordance with the terms of the application, Ref 21/01272/TELGDO, dated 9 May 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 Matters

2. The application was amended after submission to reduce the height of the proposed monopole from 18.0m to 15.0m. I have therefore used the description of development given on the decision notice, as this reflects the amendment and was the basis on which the Council made its decision.
3. 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

4. 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

5. Beaumont Drive is a distributor road within the Beaumont Park residential estate. The proposed telecommunications apparatus would be located within a grass verge on the outside bend of the road where there is a large gap between houses on that side. A mature tree belt separates this area from the Wagonways multi-user path which runs immediately beyond to the east. There are also a number of other established trees within the wide grass verges on the opposite side of Beaumont Drive. As a result, the area has a pleasant verdant character, but is not covered by any historic or other sensitive landscape designations.
6. Given their siting close to the road, the monopole mast and cabinets would be clearly visible on the approaches to the site and at the exits from Colston Way and Chevington Grove. Nonetheless, at 15m in height, the mast represents a more appropriate response to the residential character of the area compared to the 18m mast originally proposed. It would be seen in the context of the line of existing street lighting columns and against the backdrop of mature trees, and would not be so much taller than these features as to dominate the street scene. An appropriate colour treatment would further assist in reducing the visual prominence of the equipment in this setting.
7. The Wagonways path behind the site is clearly a well-used recreational route. However, the height and density of the trees would heavily filter views of the mast when passing along this path, even when not in leaf, such that it would not have an adverse impact on the amenity value of this route.
8. I have also had regard to views from nearby properties on Beaumont Drive and those opposite in Colston Way and Chevington Grove. There would remain a good degree of separation due to the spaciousness of this location and the separation distances involved. Furthermore, the mast would be seen in that same backdrop context as referred to above, and in some cases, filtered by the trees on the west side of Beaumont Drive. It would also be of fairly slim profile, albeit with the wider shroud, so as not to appear unacceptably overbearing or intrusive in the outlook from any nearby properties.
9. I have no evidence to suggest that the proposal would result in the removal of, or harm to, any nearby tree as some residents have suggested. In addition, whilst I have noted concerns raised about the equipment attracting graffiti and vandalism, I have no substantive evidence to indicate the inevitability of such actions occurring at this site, and in any case, anti-social behaviour would have the potential to be controlled by other means outside of the planning system.
10. Concerns have also been raised about setting a precedent for other similar proposals, or for the potential for additional equipment to be added to the site at a later date. However, any such proposals would need to be considered on their own merits, as I have done in this case.
11. For all these reasons, I conclude that the siting and appearance of the proposal would not unacceptably harm the character and appearance of the area, or 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

12. Some 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 5G technology, 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.
13. In relation to potential effects on health, 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.
14. Concerns were raised about highway safety. However, the local Highway Authority did not object to the proposal on those grounds, nor did it feature in the Council's reasons for refusal. I have no substantive basis to consider that the proposal would pose a risk to highway safety.
15. In terms of the effect on local wildlife, I have not been presented with any substantive evidence to justify claims that 5G technology would have an adverse effect on bats and other wildlife in the vicinity. Otherwise, the effect on wildlife is a generic matter and not related to the specific siting and appearance of the proposal before me.
16. The protection of private interests, such as property values, is not a material consideration and therefore has no bearing on my consideration of the planning merits of the proposal.
17. The evidence before me indicates that appropriate and proportionate publicity for the application and appeal has been carried out, despite the claims to the contrary.
18. There is a suggestion that the development would violate the rights of some local residents under Article 8 of the Human Rights Act 1998. Article 8 ensures respect for people's private and family life, their home and correspondence. For the reasons given above I do not consider the proposal would result in interference with this right.
19. Accordingly, the concerns raised do not affect or override my conclusions on the main issue.

Conditions

20. 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

21. For the reasons given I conclude that the appeal should succeed and prior approval should be granted.

A Caines

INSPECTOR