



Appeal Decision

Site visit made on 22 November 2021

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th November 2021

Appeal Ref: APP/X1355/W/21/3283295

St. Cuthbert's Road, Peterlee SR8 5TW

- 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 CK Hutchison Networks (UK) Ltd against the decision of Durham County Council.
 - The application Ref DM/21/02672/PNT, dated 18 July 2021, was refused by notice dated 25 August 2021.
 - The development proposed is 20.0m 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 (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require 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.
3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue in this case is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is a grassed highway verge which has two connecting footpaths: one spanning the boundary with a medical centre and the other crossing the middle parcel of land, leaving a triangular shaped grassed area in the middle. The proposal would involve a 20m high monopole and 3 new

cabinets situated on an approximately 6.6m long area of land close to the junction of St. Cuthbert's Road with Manor Way.

6. The surrounding area is a mix of residential and commercial uses. The medical centre is one storey with accommodation in the roof space; the commercial development on the opposite side of St. Cuthbert's Way is single storey and residential development on Manor Way is a mix of one and two storey development. There is an open feel to the eastern side of St. Cuthbert's Road due to development being set back behind the wide grass verge and the grounds of St. Cuthbert's Church.
7. There are 3 approximately 10m high streetlamps spaced out along this section of grass verge adjacent to St. Cuthbert's Road and an approximately 5m high streetlamp on the grass verge close to the boundary with the medical centre. There are also some small trees on the boundary with the medical centre. The site is otherwise free from visual clutter.
8. The appellant contends that the location benefits from screening provided by existing street furniture and trees. However, the pole would be double the height of the existing streetlamps and significantly wider which would clearly set it apart from existing street furniture. It would also be significantly taller than the medical centre which is around 5m to eaves with a pitched roof above; the single storey commercial development opposite; and the two-storey residential development on Manor Way. Whilst there are some trees adjacent to the boundary with the medical centre these are very small, and the monopole would tower above them.
9. There is a woodland situated between Manor Way and O'Neill Drive; however, this is too far away to provide any screening. There are some trees to the front of St. Cuthbert's Church which would provide some screening in medium to long distance views from the south west; however, they would be less effective in Winter and they would not restrict short distance views from the south west or from other locations.
10. The taller buildings in the town centre would provide some screening in views from the west and north west; however, due to the open nature of the site, it would be highly visible in short range views approaching from the north, north east and south. The proposal would represent an incongruous addition in a prominent location close to the town centre and detract from the open character of this section of the road. Painting of the monopole would not overcome these concerns. Consequently, the proposal would harm the character and appearance of the area.
11. The documents supporting the application suggest that there are no opportunities for site sharing in the area or utilising existing structures. The appellant's Site-Specific Supplementary Information set out a list of alternative site options which were considered with a very brief summary as to why each site was discounted. Site D1 was discounted due to concerns that the pavement was too narrow; however, I noted on my site visit that Passfield Way has wide grass verges. Site D7, Yoden Way also has wide grass verges. Site D2, Essington Way was discounted due to the proximity of residential properties; however, the appeal site is also close to residential properties on Manor Way. Due to the scant information provided by the appellant and my own observations, I am not convinced that less harmful alternatives have been properly explored.

12. The proposal would have some economic and social public benefits for residents and businesses in terms of improved 5G coverage and connectivity for the area which weigh in favour of the proposal. However, I do not consider that the operational and locational needs of the operators or public benefits outweigh the significant harm I have identified from the siting of the pole in this particular location.
13. Reference is made to an appeal decision ¹ relating to land opposite King Street for the installation of an 18m high pole where the Inspector noted that there were multi-storey flats, two-storey commercial buildings and trees within the vicinity of the appeal site and that the mast would not appear materially out of place given the vertical emphasis of that part of King Street. However, the appeal site differs from this case in that the site is surrounded by lower-level buildings and structures. This case is not directly comparable to the appeal proposal which limits the weight which I can attach to in my decision.
14. I note the concern of local residents regarding the potential health implications of the proposal. However, the Framework is clear that local planning authorities should not determine health safeguards or set health safeguards different from the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure. The appellants have confirmed that the proposal would be in full compliance with these guidelines.
15. I, therefore, conclude that the proposal would harm the character and appearance of the area. It would, therefore, be contrary to policies 27 and 29 of the County Durham Plan 2020 in so far as they seek to ensure that new telecommunications equipment must be sympathetically designed and camouflaged and not result in visual clutter or cause significant adverse impacts and that development proposals contribute positively to an area's character. Conflict also arises with paragraph 115 of the Framework which requires the use of existing masts, buildings and other structure for new electronic communications and that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
16. For the reasons stated, the appeal should be dismissed.

Caroline Mulloy

Inspector

¹ Appeal reference: APP/G4240/W/20/3263529