



Appeal Decision

Site visit made on 23 November 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2021

Appeal Ref: APP/V2004/W/21/3280954

Saltshouse Road, Sutton, Kingston Upon Hull HU8 9EY

- 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 Hull City Council.
 - The application Ref 21/00723/TEL, dated 9 May 2021, was refused by notice dated 20 July 2021.
 - The development proposed is a proposed 15m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The principle of development is established by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the proposed development solely based on its siting and appearance, taking account of any representations received. I have determined the appeal on the same basis.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. Nevertheless, 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 Issues

4. The main issues are:
 - the effect of the proposed development on the safe use of the highway with particular regard to the junction of Howdale Road with Saltshouse Road; and
 - if there is any harm, whether this is outweighed by the need to site the proposed development in the location proposed having regard to the potential availability of alternative sites.

Reasons

Highway Safety

5. The appeal site is a grass verge on the north side of Saltshouse Road and to the west of Howdale Road. The proposed development would be a 15m mast to facilitate the roll out of 5G services. The appellant states that the associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval. However, they are shown on the plans and within the specification and would not be required if it were not for the proposed pole.
6. From my observations during my visit on a weekday afternoon, Saltshouse Road appeared to be a relatively heavily trafficked road, with a fairly constant flow of traffic in both directions. Howdale Road mainly serves a residential area.
7. Saltshouse Road has a slight incline and a gradual bend as it approaches the junction with Howdale Road. The highway verge on the north side slopes upwards to the north and so sits slightly higher than the road as it approaches the site. Whilst this may not be apparent on the submitted plans, my observations on site are that this combination of factors restricts visibility to a degree when on Howdale Road waiting to exit onto Saltshouse Road. The proposed development would be located between the trees on the highway verge and the road in an area that provides views of the traffic approaching from the west. Based on the evidence presented, I cannot be certain that the location of the proposed development would not further impede visibility to the west for motorists waiting to exit Howdale Road. Consequently, I cannot be satisfied that the proposed development would not have a harmful effect on the safe use of the highway for motorists exiting Howdale Road.
8. The pedestrian crossing point on Howdale Road is located slightly north of the junction. Views of cars turning onto the road from the west would therefore be seen from a different perspective to drivers positioned at the junction, and the proposed development would not be in such a direct line of sight. In addition, the majority of pedestrians would be viewing any approaching vehicles at a higher eye level than most motorists waiting to exit. As such, the proposed development is less likely to impede views for pedestrians to a harmful extent.
9. It is possible that the proposed development would reduce the visibility of vehicles waiting to exit Howdale Road for drivers heading east along Saltshouse Road. However, given that drivers would be towards the centre line of the road, visibility when approaching the junction would be unlikely to be harmed to an unacceptable degree.
10. From the evidence presented, it has not been demonstrated that the proposed development would not result in an unacceptable effect on the safe use of the highway with particular regard to the junction of Howdale Road with Saltshouse Road. The proposed development would therefore be contrary to Policy 24(a) of the Hull Local Plan 2016 to 2032, adopted 2017, which supports the installation of utility equipment where it has been sited to minimise its impact on the safety of the surrounding area amongst other matters.

Alternative Sites

11. Development that would facilitate the roll out of 5G services would be a benefit, as identified in the Framework. This recognises at paragraph 114 the importance of the establishment of high quality and reliable communications infrastructure, such as 5G, as being essential to economic growth and social wellbeing.
12. Paragraph 115 of the Framework states that the number of communications masts and the sites for such installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It encourages the use of existing masts. The appellant has investigated alternative sites as required by paragraph 117 of the Framework and concluded that these sites would not meet the technical requirements or would be more harmful in terms of siting or appearance.
13. I appreciate that the search area for the proposed development is constrained by technical considerations and that its residential character further restricts potential sites. I also note that the pole is the minimum required to meet the International Commission on Non-Ionizing Radiation Protection standard. I attach significant weight to the benefits that the roll out of 5G coverage would provide and that the proposal would allow for mast sharing. However, these matters are not sufficient to outweigh the concerns raised about the effect of the proposed development on highway safety.

Other Matters

14. The site lies near to the Sutton Village Conservation Area, with its northern boundary to the south of Saltshouse Road. Whilst the pole would be visible from certain views within the conservation area, these would generally be against the backdrop of the sky and the proposed colour would help to reduce its effect. At the eastern edge of the conservation area, the proposed pole would be seen in association with other vertical structures so would not appear incongruous. Important views within the conservation area and to/from it would not be harmed. Consequently, it would not harm the conservation area or its significance as a heritage asset and would preserve its character and appearance.
15. The appellant's statement has focussed on the lack of harm to the character and appearance of the area or to any statutorily designated areas. Whilst this may be the case, it does not alter my view about the acceptability of the proposed development.

Conclusion

16. For the above reasons, having had regard to all matters raised, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR