



Appeal Decision

Site visit made on 10 January 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/W4515/W/21/3282981

Land North of 62 Regents Court, Wallsend, Tyne and Wear

- 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 appeal is made by Railsite Telecom against the decision of North Tyneside Council.
 - The application Ref 21/01296/TELGDO, dated 12 May 2021, was refused by notice dated 9 July 2021.
 - The development proposed is Installation of a 25m high lattice mast accommodating antennas and transmission dishes for four mobile operators (overall height 26.3m); 16No equipment cabinets and 1No meter cabinet within a compound surrounded by a 1.8m high fence.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As no site address was included within the planning application form, the address within the banner has been taken directly from the appeal form.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the local area.

Reasons

4. The appeal follows a decision by the Council not to give their approval for the siting or external appearance of a development that would otherwise be permitted under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) (as amended). The permission granted under the GPDO is, with consideration of the proposed development, only limited to its siting and appearance, not the principle of the development.
5. LNER and Railsite Telecom as a joint project propose to erect a lattice tower of approximately 25m in height close to allotment gardens and residential housing estates, on public open space and where a number of public foot paths intersect the land. The East Coast Main Line runs north-south, to the west of the site, approximately 120m away.
6. The intention of the mast is to provide targeted coverage of both 4G, and the new 5G technology where there is a deficit in coverage for train passengers

along this part of the railway track that runs through the Wallsend area. In addition, it would provide increased communication coverage to the local area.

7. The site forms part of a larger area and is relatively level land with limited scrub and landscaping. Although the surrounding area is densely built up, the location for the proposal is open in character and there is a rural sense to the space that provides relief from the wider built environment that is residential in character.
8. Despite the see-through lattice structure and even if it were to be left in its ungalvanized finish, the mast would have an excessive bulk due to its tower construction and protruding equipment's. It would be located in a visually exposed location and experienced in a context of undeveloped open land, with limited landscaping and free from urban visual clutter. Save for the tree belts, there are no other high structures or features it would relate to.
9. A telecommunications lattice tower would appear out of character here, further amplified by the large compound containing its various ground-based equipment cabinets and other effects. The existing low-level natural planting features would not provide significant screening properties to the compound. As a combination, both the proposed mast with low level equipment would not assimilate into the immediate environment.
10. From longer range views, from the public areas of Regents Court, the proposal would be viewed above the low-rise bungalows that backs onto the open space. This estate layout allows the tree tops to be visible behind bungalows. The proposed mast, rising above the bungalows would also be clearly perceptible.
11. Furthermore, it would be seen from other wider public vantages of Welywn Close that shares a close relationship with the appeal site, and the public footpath that runs along the western side of this housing development. It would not respect the character or appearance of the surrounding area, but instead, appear as a visually intrusive feature.
12. The photomontages submitted demonstrate the proposal to be clearly seen from the public vantage of Location 1 and emphasises its appearance. Location 2 is located away from built-up housing developments. Location 3 demonstrates the mast is seen from public vantages although is taken from the lowest point in the street and still demonstrates the mast is clearly visible. Overall, I apply limited weight to the images submitted of vantage points two and three.
13. Bringing all matters together, taking into account siting and appearance of the proposal, it would appear prominent and incongruous as an uncharacteristically high and stark feature that would not successfully blend into its environment. The National Planning Policy Framework (the Framework) places an emphasis on the requirement for new electronic equipment to be sympathetically designed and camouflaged where appropriate. Overall, this proposal would not meet the objectives of good design.
14. Therefore, to conclude, the proposed telecommunications mast would appear visually intrusive and result in harm arising to the character and appearance of the local area and would conflict with Policy DM7.11 of the North Tyneside Local Plan 2017 in its aims for telecommunications equipment to minimise impact on visual amenity.

Other considerations

15. The appellant argues in favour of the proposed equipment as they explain the need to provide targeted coverage locally and this is supported by a series of maps to identify coverage within the local area. The coverage plan demonstrates an increased level of digital coverage on an indoor, train, car and outdoor capacity, as a consequence of the mast being located in this position.
16. In addition, a letter from LNER has been provided. This explains the need to provide an off-rail solution to improve digital technology to their passengers on their service in areas they identify as 'not-spots' along the east coast railway line.
17. The deployment of improved 4G communications as well as providing new 5G technology, the public, social and economic benefits of mobile connectivity are highlighted by the appellant. The necessity of digital technology is further stressed by them given the emphasis on home working, smart technology, mobile working, and the significance of the Coronavirus pandemic and post pandemic recovery.
18. Published Government statements and the objectives of the Framework to support and drive towards advanced digital connectivity has also been pointed to by the appellant.
19. The appellant places great emphasis on the height of the proposed mast stating it is the lowest possible height to provide the necessary coverage within the local area. They also provide supporting information that masts may need to be positioned 'above the tree line' to make them as effective as possible to provide the technical coverage. However, there is no evidence provided by the appellant that the existing design is the only suitable alternative to support the necessary equipment and provide the relevant service.
20. The Framework requires evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. The appellant undertook a number of alternative site considerations within their site selection process, with an emphasis on the apparatus being close to the railway line, but also the need to have a sufficient distance from it, for technical reasons.
21. The appeal statement explains that 'An installation located outside of the search area provided by the appellant's Radio Engineer would not allow the mobile operators to provide the required level of high quality coverage along the adjacent East Coast Main Line'. This therefore raises uncertainty as to why some sites within the site selection list have been included as real prospects but have been discounted as being listed as 'outside the search area'.
22. In other search areas, sites were discounted by the appellant due to 'no suitable space identified' although this has not been substantiated by the appellant. Neither has details of access constraints to one site. Other sites may be 'earmarked' for housing development although there are no precise details to back up this statement. Also, with regards to site D8 the appellant states it would not meet the coverage requirement for the 'southern extent of the target area'. However, it shares a close relationship with another selected site at D2 that was not discounted by the appellant for technical reasons.

23. In addition, they do not go on to provide evidence on their comment as to why other non-residential low-rise buildings would necessitate a 'substantial rooftop stub mast' that they consider would not be acceptable.
24. The Wills Building may be a listed building although precisely why this has been discounted by the appellant has not been explained. Another site may require a higher mast and has less potential for visual screening, and it may be closer to residential dwellings. However, there are limited details submitted to allow me to take this into full consideration.
25. Other identified streetworks masts and a lattice tower may not be located within the target area, but these are neutral in the overall consideration, and do not weigh either for or against the proposal.
26. Overall, based on the evidence before me, I am not of the view that the appellant has provided a sufficiently extensive search of alternative sites or provided adequate explanation of why these should be discounted that would lead me to the view that this is the only site to locate the proposed mast.
27. Mast sharing is encouraged and supported by government guidance and is welcome. However, there is no evidence to substantiate their claim that it would not result in additional telecommunications apparatus to the local area at a future date.
28. Other appeal decisions have been brought to my attention by the appellant. I read that the Inspector acknowledges the importance of the telecommunications industry and the circumstances of events at the time. However, that scheme was not the same context as this appeal. Other appeals relate to monopoles and is therefore not the same style of mast as a lattice tower. I apply limited weight to these examples.

Balance and Conclusion

29. I have balanced the proposal against a number of considerations including public benefits and site constraints. I afford moderate weight to the economic and social benefits of the appeal scheme, in particular the consequence of 4G and new 5G coverage within the local area. However, because of its siting and appearance, the harm I have found that would arise to the character and appearance of the area does not outweigh the benefits of the proposal. These matters attract significant weight and outweigh the benefits associated with it.
30. Therefore, the proposed development would lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR

