

Appeal Decision

Site visit made on 11 January 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2022

Appeal Ref: APP/R3515/W/21/3275920

Albion Hill, California, Ipswich, IP4 4ES

- 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 HUTCHISON UK LTD against the decision of Ipswich Borough Council.
 - The application Ref IP/21/00295/TPD, dated 17 March 2021, was refused by notice dated 14 May 2021. The development proposed is 15m 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 the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 15m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works at land at Albion Hill, California, Ipswich, IP4 4ES in accordance with the terms of the application Ref IP/21/00295/TPD dated 17 March 2021, and the plans submitted with it including 002 C Site Location Plan; 100 C Existing Site Plan; 260 C Proposed H3G Elevation; 150 C Existing Elevation A; 210 C Proposed H3G Site Plan; 302 C Proposed H3G Antenna Schedule & Line Configuration; 305 C Equipment Schedule & Support Structure Details.

Preliminary 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.

Planning Policy

3. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.

4. Nevertheless, Policy DM5 of the Ipswich Core Strategy and Policies Development Plan Document 2017 (DPD) is a material consideration as this policy relates to issues of siting and appearance. In particular, it seeks to require development to be well designed and sustainable whilst protecting and enhancing the special character and distinctiveness of the town and its street scene. Similarly, the National Planning Policy Framework is also a material consideration and this includes a section on supporting high quality communications.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

6. The appeal site comprises highway land adjacent to Albion Hill with other street furniture in close proximity. The area is predominantly residential but with some commercial uses just beyond the appeal site. The railway line runs close to the boundary of the site and this is protected by existing security fencing. Directly behind the appeal site is a block of residential flats, separated by a parking area and communal bin storage. The area is urban in character.
7. The site is located within the Parks Character Area, as identified within the Ipswich Urban Character Supplementary Planning Document (SPD). This covers a wide area and gives detail of the architectural detailing that is typical of the area. The SPD notes that the Parks area includes a robust mix of styles and materials, and part of the area's picturesque character is derived from casual contrasts of scale, materials and elevational treatments. It welcomes modern design where it respects the overall street form and scale.
8. The notable form and scale of the surrounding development compared to the monopole means that the latter would not appear overly dominant within its surroundings, despite its greater height. The verticality of the nearby buildings, the street lighting columns and existing trees means that the monopole would not appear incongruous within its surroundings and being within an urban area, the proposal would not be unexpected. In addition, given the slender form of the monopole, the proposal would not be overly dominant within wider views to be considered harmful to the character and appearance of the area, despite the topography of the site.
9. The monopole would be located directly in front of the existing communal bin storage area and have a sufficient separation distance from the frontages of the existing flats to ensure that whilst the monopole would be visible from those residential properties, it would not be overly dominant.
10. Therefore, for the reasons given, the proposal would not cause unacceptable harm to the character and appearance of the area and would accord with policy DM5 of the DPD.

Other Matters

11. Concerns have 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.
12. Although concerns are raised about the loss of property values that may result from the proposal being installed, there is no evidence to suggest that would indeed be the case and in any event, planning is concerned with land use in the public interest. As such the protection of private interests such as property values are not relevant to the consideration of such cases.
13. I am aware of the strength of local objection and the matter of these concerns, some of which have been addressed within the main section of this decision. Concerns have also been raised about the impact on the road and traffic flow during the works to install the mast and the proximity to the existing railway cutting. With no specific or substantive evidence before me to suggest anything to the contrary, I do not consider that the railway cutting would be undermined as a result of the construction. Furthermore, although some disruption to the road network may occur during the construction period, this would not result in any concerns to highway safety as any works within the highway would have to be overseen by the Highway Authority.

Conditions

14. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

G Pannell

INSPECTOR