
Appeal Decision

Site visit made on 15 March 2022

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2022

Appeal Ref: APP/K2610/W/21/3280694

Dussindale Drive, Thorpe St Andrew, Norwich, NR7 0WY

- 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 Mobile Broadband Network Limited against the decision of Broadland District Council.
 - The application Ref 20210064, dated 12 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is the installation of a 17.5 metre-high telecommunications monopole, accommodating 6no antenna apertures and a wraparound cabinet at its base; 6no ground-based equipment cabinet; plus, development ancillary thereto. As part of this proposal, two existing installations will be removed from the surrounding area, ensuring a net decrease in telecommunications base stations.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Article 3(1), 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 installation of a 17.5 metre-high telecommunications monopole, accommodating 6no antenna apertures and a wraparound cabinet; plus, development ancillary thereto and as part of this proposal, two existing installations will be removed from the surrounding area, ensuring a net decrease in telecommunications base stations, on land at Dussindale Drive, Thorpe St Andrew, Norwich, NR7 0WY in accordance with the terms of planning application, Ref:20210064 dated 12 January 2021, the associated requirements of the above Order and the plans submitted with it including 150 Existing Elevation A, 002 Site location Plan, 100 Existing Site Plan, 215 Max Configuration Site Plan, 265 Max Configuration Elevation and the details contained in the industry site specific supplementary information.

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 has been made on the same basis.
3. I note in his statement the appellant's agent has raised the matter of the identity of the applicant/appellant. It is clear to me from the planning

application form and the appeal form that the original application and the appeal have been lodged by the same company/person as is required by the legislation. I therefore have determined this appeal on the basis that Mobile Broadband Network Limited is the appellant.

Planning Policy

4. 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 to 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 Issues

5. The main issues in this appeal are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the living conditions of neighbouring residential occupiers.

Reasons

Character and appearance

6. The site lies at the side of a distributor road that serves a large modern housing development. The road itself is approximately 6m wide with verges on each side of around 8 to 9ms that accommodate a grassed area (nearest to the road) and a footpath and cycle path.
7. The housing along, but not fronting, the distributor road is set back behind fences, walls, and mature hedges. The road falls from the appeal site to a roundabout some distance away. All the houses appear to be of traditional brick and tile construction. The grass verge accommodates street lighting columns, and some distance away, further telecoms infrastructure including masts and cabinets.
8. The appeal proposal would introduce a relatively slim mast of around 17.5m high together with 6 equipment cabinets on to the grass verge between the cycle path/footpath and the road. The mast would be taller than the existing masts in the area and taller than the houses and street lighting columns. However due to its design and the configuration of its antennas it would present a slim profile to the street. It is proposed that the column would also be finished in a light grey colour.
9. Therefore, whilst it would be tall, its prominence would be limited due to its slim profile and its colour. Whilst it would be visible from the roundabout some distance away it would not be viewed as an alien feature due to the presence of other masts and street lighting columns in the area.
10. The development plan for the area is comprised of the Joint Core Strategy for Broadland, Norwich, and South Norfolk (adopted in March 2011, amendments adopted in January 2014)(JCS) and the Development Management DPD of 2015 (DPD). I consider that the policies of the development plan that are relevant to this appeal are, Policies 2 of the JCS and Policy GC4 of the DPD. These policies seek, amongst other things, to ensure that new development

promotes local distinctiveness and pays regard to the environment and character of the area.

11. The character and appearance of the immediate area within which the appeal proposal is located is derived from its position along a main distributor road together, with street furniture such as lighting columns other, albeit shorter, telecommunication masts and cycleways, footways and grass verges. The installation of a further mast and cabinets would not therefore be wholly out of character with this location.
12. The mast would be significantly taller than others in the locality. However, due to its slim design and light grey colour it would be no more intrusive in the area than the other masts. I therefore consider that the proposal would be consistent with the policies of the development plan. Consequently, I do not consider that siting and appearance of the proposal would be incongruous in this location and therefore would not harm the areas character and appearance.

Living conditions of the occupiers of neighbouring properties

13. At the location where the mast is proposed to be located there are houses which face onto, but are not accessed from, Dussindale Drive. These houses are set behind hedges and fences and separated from the proposed site of the mast by a cycleway and footpath. They also have front gardens and drives between the front elevation of the house and the cycleway and footpath. The proposed equipment cabinets would not be visible from these houses. However, the mast would be visible from the windows of their front elevations.
14. Policy GC4 of the DPD seeks, amongst other things, to consider '*the impact upon the amenity of existing properties*' of new development. Whilst the proposed mast is significantly taller than other street fixtures in the area it has a slim profile and will be finished in a light grey colour. It is also set off the boundary with existing residential properties with a cycleway and footpath in between the proposed site and the boundary of the houses. In these respects, it is therefore consistent with Policy CG4 of the DPD.
15. Moreover, the residential properties have front gardens and drives between their front elevations and their boundaries. Consequently, given the slim profile of the mast, its light grey colour, and its distance from the front elevations of nearby properties I do not consider that its siting and appearance would unacceptably harm the outlook of the occupiers of these properties.

Other Matters

16. The matter of road safety has been referred to. It appears to me that these matters relate to the proximity of what is described as a well-used crossing point in the vicinity of the appeal site. This crossing point will be separated from the site of the proposed masts and cabinets by a short area of grass verge and is on a straight stretch of road with a 30mph speed limit. It is also apparent from the plans supplied with the proposal that the cabinets themselves and the mast will be set back from the edge of the carriageway. Consequently, I do not consider that siting of the appeal proposal would have an unacceptable impact on road safety in the area as adequate visibility can be maintained between pedestrians and vehicles using the road.

17. Concerns have been raised about the 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 the 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.
18. With regard to the proliferation of telecommunications equipment in the area, I note that there are other masts and cabinets along Dussindale Drive. However, these are some distance from the appeal site and, as part of this proposal, it is proposed that a mast and cabinet around 75m from the appeal site will be removed. As a result of the separation between the existing telecommunications equipment and the appeal proposal and the proposal to remove an existing mast and cabinet, I do not consider that the proliferation of telecommunications equipment brought about by the siting of the appeal proposal will unacceptably harm the character and appearance of the locality.
19. I note that the matter of noise emitted from the cabinets has been raised as an issue. Whilst I understand that noise might be emitted from the cabinets this would be at a relatively low level. Moreover, given the distance from nearby houses and the ambient noise generated by the road and other activities in the area I do not consider that noise generated by the cabinets would unacceptably harm the living conditions of nearby residential occupiers.
20. Representations have referred to the opportunity of the appellants to use alternative sites to accommodate the appeal proposal. Whilst I have taken account of these matters, I consider, for the reasons given above, that the siting and appearance of the proposed installations to be acceptable in terms of its effect on the character and appearance of the area and on the living conditions of neighbours. Consequently, I am not obliged to consider alternative locations for the installation in this case.

Conditions

21. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practical after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

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

Peter Mark Sturgess

INSPECTOR