



Appeal Decision

Site visit made on 1 March 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/C4615/W/21/3282826

Land at the junction of Parkes Hall Road and Elm Green, Woodsetton, Dudley DY1 3RG

- 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 Dudley Metropolitan Borough Council.
 - The application Ref P21/0995/PN16A, dated 14 May 2021, was refused by notice dated 7 July 2021.
 - The development proposed is described as a '*15 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto*'.
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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 15 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and associated ancillary works at land at the junction of Parkes Hall Road and Elm Green, Woodsetton, Dudley DY1 3RG in accordance with the terms of the application Ref P21/0995/PN16A, dated 14 May 2021, and the plans submitted with it including 002 Site Location Plan DUD11069_PLANNING_REV_C; 215 Proposed Site Plan DUD11069_PLANNING_REV_C and 265 Proposed Site Elevation DUD11069_PLANNING_REV_C.

Preliminary Matters

2. The description of development in the heading above is taken from the appellant's original application form. For brevity, I have slightly amended that description in the decision above, without changing its meaning.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require regard 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 Issue

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

Reasons

6. There are a number of telegraph poles, lamp posts and mature street trees in the vicinity of the site such that vertical structures are not uncommon in the street scene. There are also other items of street furniture, including a grit bin, inspection cabinet and bus stop signs such that the land immediately around the appeal site is not entirely open and free of street furniture. The presence of street trees would provide a degree of screening from surrounding roads and footpaths. Therefore, whilst taller than surrounding structures, the proposal would not appear isolated. I acknowledge that the proposed mast would break the skyline in some views. However, due to the varying topography of the area and the appeal site's location part way up a hill, it would not appear unduly prominent or harmful in this regard.
7. The proposal would be located in a residential area and would be visible from a number of houses. This includes the front windows of 58 Elm Green, and a first floor side window of 59 Elm Green. These windows overlook a large area of grass, of which the proposal would occupy only a small proportion. In addition, views from these properties would still be relatively open due to the topography of Parkes Hall Road which slopes down to the north.
8. From No 59 in particular, the proposal would be viewed against the backdrop of an existing mature tree. Although not as tall as the proposed mast, this backdrop would help limit the dominance of the proposal to the extent that it would not be excessively prominent from that house. Furthermore, the proposal would not be positioned so close as to unacceptably harm outlook from either of these properties, or any of the other nearby properties.
9. In conclusion, the proposal would not appear overly prominent or visually intrusive, and would not cause harm to the character and appearance of the area. Insofar as it is a material consideration, the proposal would accord with Policy ENV2 of the Black Country Core Strategy (February 2011) and Policy D8 of the Dudley Borough Development Strategy (March 2017). It would also comply with the desire for high quality communications and well designed places as set out in the Framework. Consequently, the siting and appearance of the proposal would be acceptable.

Conditions

10. 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 practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

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

Rachel Hall

INSPECTOR