



Appeal Decision

Site visit made on 26 April 2022

by Mr C J A Parker BA(Hons) PgCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25/05/2022

Appeal Ref: APP/P3040/W/21/3288058

Radcliffe Road, Lady Bay, West Bridgford NG2 5DU

(Easting 459152, Northing 337853)

- 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 Hutchinson UK Ltd against the decision of Rushcliffe Borough Council.
 - The application Ref 21/02577/GDOTEL, dated 24 April 2021, was refused by notice dated 19 October 2021.
 - The development proposed is described as '*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 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. It also establishes that the proposal is permitted development and therefore accepted in principle by virtue of the legislation.
3. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policy 10 of the *Rushcliffe Local Plan Part 1: Core Strategy 2014* and Policies 1 and 31 of the *Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)* are material considerations insofar as they relate to issues of siting and appearance. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and this includes Section 10 on supporting high quality communications.

Main Issues

4. The main issues are the effect of siting and appearance of the proposed installation on:
 - (i) The character and appearance of the surrounding area; and,

- (ii) Highway safety; and,
- (iii) The potential impact on the Grantham Canal; and,
- (iv) Whether any harm would be outweighed by the need to site the installation in the location proposed, having regard to the potential availability of alternative sites

Reasons

Character and appearance

5. The proposed monopole and associated cabinet(s) would be sited within the highway grass verge to the north-west of the junction of Radcliffe Road and Rutland Road. I saw from my site inspection that Radcliffe Road is a busy arterial route into Nottingham. Although a fairly wide road it is lined with mainly deciduous trees and other smaller shrubbery along most of its eastern side that runs parallel to Grantham Canal.
6. On the opposite side of the road the street scene is predominantly characterised by two-storey/two and half storey residential properties that front onto the main road with a distinctly low-rise, suburban feel. In the immediate vicinity of the site there are a number mature trees, some regularly spaced lampposts and a few other small highway structures (barrier fences, traffic signals and signs, and low fences for example).
7. The proposal, with a monopole of around 15 metres in height with a solid style, would be clearly visible above the surrounding trees and buildings which would be just over half the height of the monopole. Whilst there are some deciduous trees to the rear (east) of the proposed location, these are shown to be no greater than some 8 metres in height¹, with most being around 6 metres high. Similarly, the two-storey building to the rear on Rutland Road is indicated to have a ridge height of circa 8 metres. The monopole would therefore be visible on the approach to the site from quite some distance away in either direction on Radcliffe Road and from various public vantage points within nearby residential streets.
8. The prominence of the monopole would be further exacerbated by the fact that most street furniture along this part of Radcliffe Road is generally low in height. The main exception to this is street lighting at around 9.9 metres in height according to the Appellant's submitted drawings². However such lighting is not an unusual feature within suburban areas, with the lighting poles having a narrow and visually unobtrusive appearance.
9. Similarly, occupiers of nearby dwellings, including 134 Rutland Road to the east of the site, would be confronted with an extremely tall monopole which would be located opposite openings in the flank walls of that building. Whilst the trees and plants along the canal would obscure the proposal for parts of the year, given their mainly deciduous nature the proposal would be highly prominent for large parts of the year from this dwelling and within the wider street scene.
10. While in all other respects, the proposed mast would appear as a standard, uncluttered monopole, it would nevertheless exceed the height of the tallest

¹ Drawing RCF16426_M004 Issue D

² Ibid.

nearby street furniture by a significant margin, and be some seven metres above nearby trees and buildings. The proposed mast would stand out as an incongruous and dominant feature within the surrounding streetscape and would harmfully detract from the character and appearance of the area.

11. The proposed siting and appearance of the proposal would therefore have a harmful effect on the character and appearance of the area. As such it would conflict with Policy 10 of the *Rushcliffe Local Plan Part 1: Core Strategy 2014* (CS) and Policies 1 of the *Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)* (LPP), which amongst other aims seek to ensure developments make a positive contribution to the public realm and sense of place.

Highway Safety

12. Radcliffe Road is a public highway subject to a speed limit of 40mph. The appeal site would be located near to the junction of Radcliffe Road/Rutland Road/Mable Grove. The local Highways Authority is concerned that the siting of the proposed monopole and cabinets would infringe upon the sightlines of vehicles exiting Rutland Road and turning onto Radcliffe Road or crossing to Mabel Grove.
13. The Appellant has submitted a drawing which shows visibility splays of 2'400 by 43'000 (approximately 2.4 metres by 43 metres) for Radcliffe Road³. In their Appeal Statement⁴ the Appellant indicates that the objections of the Highways department have been '*overcome within the amended plans issued as part of this appeal statement, vehicles emerging from Rutland Road would have adequate visibility along Radcliffe Road.*'
14. The submitted drawing indicates the speed limit on Radcliffe Road to be 30mph. However the evidence submitted by the Council, the local Highways Authority, local interested parties and my own site inspection indicate that the speed limit is likely to be 40mph. Moreover, it is clear from the comments dated 30/09/2021 from the Highways Officer that the Nottinghamshire Highway Design Guide sets out that the visibility splay should be measured from a set back distance of 4.5m and therefore the proposed equipment would fall within the splays required for speeds of 37mph to 43 mph. The impact of this difference is demonstrated visually within Figure 4 of the *Highway Authority Appeal Statement* dated 6th April 2022.
15. Similarly, for pedestrians, I note that the Appellant has sought to improve any impact of users of the footpath by moving the proposal around 10 metres away from the junction. However, it is clear that the footpath along the eastern edge of this part of Radcliffe Road is well used by pedestrians following the course of the Grantham Canal as it links into the Grantham Canal Towpath to the south-east and north-west. The proposal introduces further clutter at this junction which will make it harder for pedestrians (including those in wheelchairs or people with mobility issues making them slower) to both see and be seen by vehicles turning off Radcliffe Road which is subject to a 40mph speed limit, into Rutland Road.
16. The proposed siting of the proposal would therefore have a harmful effect on highway safety. As such it would conflict with Policy 10 of the *Rushcliffe Local Plan Part 1: Core Strategy 2014* (CS) and Policies 1 of the *Rushcliffe Local Plan*

³ Ibid.

⁴ See Appeal Statement dated 30/11/2021, Section 4

Part 2: Land and Planning Policies (2019) (LPP), which amongst other aims seek to ensure developments take place without detriment to highway safety.

Potential impact on Grantham Canal

17. I note the concerns raised by the Canal and River Trust on the potential impact on the structural integrity of the 200-year-old Grantham Canal that could arise from the excavations and construction work might cause. The Appellant indicates that the cabinets would have foundation depths of around 200mm with the foundations of the mast deeper but not specifically detailed⁵. They go on to indicate that *'it has been deemed safe to build in this location prior to the submission of the application'* but do not detail by whom that assertion has been made by.
18. I recognise that the proposal seeks prior approval under Part 16 of the Order as permitted development, and therefore it is accepted in principle by virtue of legislation. Nevertheless, there is a paucity of information on the potential foundations of the proposed 15 metre high monopole (which is integral to the proposal) in terms of whether piling and/or what depth would be needed and the nature of the underlying ground.
19. In terms of siting, which is a matter for consideration under the legislation, it is not possible on the basis of the information provided to ascertain the potential impact on the structural integrity on the nearby Grantham Canal. Given the limited detail provided, a precautionary approach is reasonable in this instance. I therefore find that the siting of the proposal would have a harmful effect on the nearby Grantham Canal.

Need

20. The appellant has also provided some information on a search of alternative locations for a mast. However, little information has been provided on the criteria used to select the eight discounted sites within the area of search or why others were not considered. Nor has substantive evidence been provided to support the discounting of a significant number of other sites which may be present nearby as indicated by Paragraph 117, c) of the Framework which may include the possibility of erecting antennas on an existing building, mast or other structure. On the basis of the information available therefore, I am not persuaded that the alternative site search is sufficiently robust to overcome my concerns regarding the effect of the siting and appearance of the proposal.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

C Parker

INSPECTOR

⁵ Appeal Statement, Page 14 of 21