



Appeal Decision

Site visit made on 10 May 2022

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/M4510/W/22/3295055

Coach Lane, Hazlerigg, Hazlerigg Village, Newcastle Upon Tyne NE13 7BU

- 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 Hutchinson Networks (UK) Ltd against the decision of Newcastle Upon Tyne City Council.
 - The application Ref 2021/1408/01/NOT, dated 3 July 2021, was refused by notice dated 11 October 2021. The development proposed is described as an 18.0m 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 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 the installation of a proposed 18.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works at Coach Lane, Hazlerigg, Newcastle Upon Tyne NE13 7BU in accordance with the terms of the application, Ref 2021/1408/01/NOT, dated 3 July 2021, the plans submitted with it and pursuant to the above Order and associated conditions.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended ("the GPDO"), under Article 3(1) and Schedule 2, Part 16, Class A 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.
3. The principle of development is established by the GPDO, and the above relevant provisions do not require regard to be had to the development plan. Therefore, I have had regard to those policies and the National Planning Policy Framework ("the Framework") only in so far as they are material considerations relevant to the matters of siting and appearance.

Main Issue

4. The main issue is the effect of the appeal proposal on the character and appearance of the area, with particular regard to height, siting and design.

Reasons

5. The appeal site is located on a busy, main pedestrian and vehicular route through the settlement, within a grassed area of public open space. A number of trees are situated close by within the wider green verge which runs along this part of Coach Lane. These provide a green relief to an otherwise built up context. This part of Hazlerigg has a predominantly residential streetscape. Buildings here tend to be of no more than two storeys in height and scale. The topography in this area is flat and this affords a backdrop of open sky views above existing roof heights. On approaching and exiting the village a line of pylons which run parallel to the A1 motorway past Hazlerigg break into this backdrop. Therefore, the presence of tall utility structures within an otherwise open skyline backdrop are a characteristic of the wider area.
6. The vertical emphasis of existing street furniture and mature trees are evident within this particular street scene, albeit they are of a lower level than the appeal proposal. This part of Coach Lane has a straight alignment. This gives further emphasis to the consistent visual rhythm of these street features which arises from their placement.
7. The proposed equipment cabinets would be simple in appearance and not excessive in footprint or height. They would be grouped with the proposed monopole. This component of the appeal scheme will assimilate satisfactorily into the existing street scene. The adjacent trees would provide a transition between the height of the existing lower surrounding street features and the proposed monopole. Moreover, their canopies would soften its presence and therefore impact upon approach in either direction along Coach Lane. The appellant has expressed a willingness to apply recessive colouring to the monopole. However, the proposed colour is sufficiently recessive in this context.
8. Coupled with the relatively simple linear design of the mast, despite its tallness and girth, the proposed monopole would not be unduly intrusive within its surrounding context from either longer distance or more immediate vantage points.
9. The submitted evidence does not indicate that the appeal proposal would affect any environmental designations which could signify that the appeal site and its context would be overly visually sensitive to this change. Overall, although the appeal proposal would change the aspect of the area, this would not be of a nature or to a level which would cause unacceptable visual consequences.
10. Paragraph 112 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and that decisions should support the expansion of electronic communications networks, including mobile technology such as 5G. Paragraph 116 of the Framework states that the need for electronic communication systems should not be questioned. From the evidence before me, I have no reason to doubt that the proposed monopole would be the minimum height required for adequate network coverage in this instance. Furthermore, the submitted evidence clearly demonstrates that there are technical constraints which determine the siting and appearance of the appeal proposal.

11. For all of these reasons, the appeal proposal would not impose harm on the character and appearance of the area, with particular regard to its height, siting and design.
12. In the absence of harm, the appeal proposal does not conflict with Policy CS15 of the Gateshead Newcastle Upon Tyne Core Strategy and Urban Core Plan, or Policies DM20 and DM35 of the Newcastle Upon Tyne Development and Allocations Plan Policies ("the DAPP").

Other Matters

13. The physical constraints which demand this particular siting and design have been sufficiently demonstrated. Furthermore, in selecting the site the appellant has sought to limit the number of residential properties which would be facing directly onto it. The necessary ICNIRP documentation has been provided which demonstrates that there are no known health risks associated with the appeal scheme. The main parties agree that this proposal will not be harmful to local biodiversity interests. In the absence of substantive locally based evidence to the contrary, I have no cause to disagree with that stance.
14. The appeal proposal would be situated in a manner which would not cause an obstruction to any public road or footway. Neither is it positioned or designed in a manner that would cause a distraction to highway users. Concerns raised relating to the proposal's carbon footprint and effect on property values fall beyond the scope of the prior approval process to which this appeal relates.
15. I am satisfied that the appellant fulfilled its pre application submission obligations set out in Part 16 of the GPDO. The Newcastle Airport operator has since raised concerns at the appeal stage about the impact of the siting of the appeal proposal on its air traffic control radar system. However, the appellant has demonstrated that the particular frequency block proposed means that it falls outside of the scope of the protection threshold and coordination procedures. There is no conflict with Policy DM35 of the DAPP in this regard.

Conditions

16. Approval 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. These conditions are necessary and justified in this instance.

Conclusion

17. For the above reasons, in the absence of harm the appeal should be allowed, and prior approval granted subject to the conditions specified.

C Dillon

INSPECTOR