



Appeal Decision

Site visit made on 13 June 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2022

Appeal Ref: APP/A1530/W/21/3282802

Berechurch Road, Monkwick, Colchester, CO2 9QQ

- 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) (GPDO).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Colchester Borough Council.
 - The application Ref 211942, dated 4 July 2021, was refused by notice dated 18 August 2021.
 - The development proposed is 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council's decision The Town and Country Planning (General Permitted Development)(England)(Amendment)Order 2022 (SI 2022 no. 278) has come into force. This Order amends Class A of Part 16 of Schedule 2 of the GPDO. The parties have had the opportunity to comment on the amendments.
3. 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

4. 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.
5. Nevertheless, Policy DP1 of the Colchester Borough Council Local Development Framework, Development Policies (DP) is a material consideration as the policy relates to issues of siting and appearance. It seeks to require development to demonstrate that proposals are designed to respect and enhance the character of the site.

6. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and this includes a section on supporting high quality communications.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

8. The appeal site is part of a grass verge running along the side of Berechurch Road. The verge separates the road from a footpath and cycleway which is adjacent to a large area of open space/playing fields. Opposite the site is a residential estate comprising a mix of dwelling types, including at the corner with Baronswood Way a block of flats. Street furniture is evident within the vicinity of the site, including street lights which are approximately 5m in height.
9. The open space provides relief from the predominately built up residential character of the wider area and provides a pleasant environment for those using the wide footpath and cycleway which intersects it. The monopole would sit in close proximity to the pedestrian crossing point which also provides access from the adjacent housing and this makes the site more sensitive as given the width of the road and volume of traffic pedestrians would need to cross the road at this point.
10. Whilst there are vertical elements in the street-scene, in the streetlights and the residential flats opposite, the monopole would be significantly taller than the streetlights and bulkier and more prominent than the existing structures given its siting. Even if I were to accept that its verticality means that it is consistent with, and appropriate to the existing character of the street-scene, I could not ignore the combined effects of its additional height, bulk and associated cabinets. Taken as a whole, the development would be visually intrusive, dominant and give the street and site an unacceptably cluttered appearance which would be in stark contrast to the openness of the site beyond.
11. I note the support in the Framework for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.
12. The Council have not disputed the appellant's need for improved coverage and I see no reason to take a different stance. However, the Council argues that the appellant has not properly addressed other potential sites in the area as they state that land that has been discounted is military land. The Council disagrees with this statement, believing that the majority of this land is no

longer in Ministry of Defence ownership. Therefore, on the evidence before me I can not be certain that the appellants have adequately explored whether there may be less harmful alternatives.

13. The need for this installation weighs in favour of the appeal as do the benefits of improved connectivity, however, I am in no doubt that the proposal would be harmful to the character and appearance of the area, particularly as a result of the siting with the backdrop of the open space/playing fields behind with the footpath and cycle path passing in close proximity. I am not convinced that less harmful alternatives have been properly explored and it is my overall view that the need for the installation does not in this case, outweigh the harm.
14. The proposal would therefore harm the character and appearance, and visual amenity of the area. This would be contrary to Policy DP1 of the DP which seeks to ensure that development proposals respect and enhance the character of the site, its context and surroundings in terms of size, scale, form and massing.

Conclusion

15. For the reasons set out above, I do not consider that the appeal proposal has been sympathetically designed as required by the Framework. I have concluded above that the development would be harmful to the character and appearance of the area, and do not consider that harm to be outweighed by the support in the Framework for high quality communications, when weighed against the development plan harm and the wider requirements of the Framework.
16. As such, for the reasons given above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR