
Appeal Decision

Site visit made on 28 June 2022

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2022

Appeal Ref: APP/R3515/W/21/3282959

Derby Road , California, Ipswich, IP3 8DD

- 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 Ipswich Borough Council.
 - The application Ref IP/21/00669/TPD, dated 12 June 2021, was refused by notice dated 9 August 2021.
 - The development proposed is a 15.0m 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 Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) 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. Since the appeal was lodged, the Council has adopted the Ipswich Core Strategy and Policies Development Plan Documents review in March 2022 (ICSPR) which supersedes the Ipswich Core Strategy and Policies Development Plan Document (2017) (ICSP). As such, policy DM5 of the ICSP has been superseded by DM12 of the IPCSR to which the appellant has been provided an opportunity to comment. A new policy DM34 included in the ICSPR indicates that the Council will support proposals for the expansion of electronic communications networks where they do not harm the appearance of the street scene. As such, I have had regard to the newly adopted policies in reaching my decision.
4. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. As a result, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, policies DM12 and DM34 of the ICSPR are material considerations as they relate to issues of siting and appearance. In particular, policy DM12 seeks to, amongst other things, ensure good public realm design that enhances the streetscape and protects and reinforces a sense of place. 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

5. 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

6. The appeal proposal is located on the traffic island at the junction of Derby Road and Foxhall Road. The land on which the proposal would be sited is an area of hard landscaped paving which includes a number of trees, a telecommunications chamber as well as a post-box, telegraph pole and streetlighting. The site therefore serves some function for public space in addition to its function within the highway. There are a number of residential properties and commercial businesses on either side of the junction and as a result, the area has a mixed character.
7. The proposed development would introduce a single monopole of around 15 metres in height close to the location of an existing telegraph pole and streetlight along with a cabinet sited within the public space. The proposed monopole would effectively form a group of taller vertical structures, and although being grouped with other taller structures, it would still be significantly taller than the other vertical features present. The monopole would also be significantly taller than the nearby trees and would appear as a highly prominent feature in the street scene.
8. The monopole itself, despite being referred to by the appellant as a slimline street pole design, would be significantly wider than the other vertical structures in the area. This would result in a bulkier appearance than the nearby vertical structures, which combined with its height, would have an adverse effect on the appearance of the area. Whilst the appellant considers that opportunities for mast sharing would result in a bulkier appearance than the appeal development, there is no evidence before me that any alternative designs have been considered that might be less incongruous.
9. The proposed monopole includes a top section of around 3.9 metres which comprises the antenna. The antenna contrasts with the design of the rest of the monopole due to its detailing and increased width. As a result, the antenna would jar with the simpler forms of nearby streetlighting and telegraph poles when viewed alongside. Furthermore, due to the overall height of the proposed monopole, it would not be able to be screened by the existing trees exacerbating its prominence resulting in an incongruous addition to the street scene. This would fail to accord with the expectations of policy DM12 which seeks to ensure good public realm design that enhances the streetscape and policy DM34 which supports telecommunications proposals where these would not harm the appearance of the street scene.
10. The appellant has indicated that the site has been selected as a result of the need to provide more capacity having followed a sequential approach to site selection. A number of other locations were considered that paragraph 117 c) of the Framework expects for applications for prior approval under the GPDO

and the appellant states that they have sought to minimise the impact on sensitive receptors. This includes any Listed Buildings in the vicinity, the impact on nearby residential properties as well as constraints imposed by narrow pavements and tree canopies and overhead lines in the area which limit the potential locations available. I note that the Council accept that there would be limited opportunities for alternatives to a monopole albeit there is no indication that alternative designs or camouflaging were considered to minimise the impact on the street scene and why these were not taken forward.

11. Paragraph 115 of the Framework encourages the use of existing masts, buildings and other structures, stating where new sites are required, such as for new 5G networks, equipment should be sympathetically designed and camouflaged where appropriate. The appellant has indicated that they would be willing to accept conditions relating to the colour scheme utilised on the proposed equipment. However, I consider such conditions would not be sufficient to mitigate the highly prominent and intrusive appearance of the proposal.
12. The Council has raised concerns that the proposed monopole would adversely affect the setting of the Railway Hotel which is a non-designated heritage asset. The view of the Railway Hotel building from Derby Road is identified in the Ipswich Urban Character - California Character Area Supplementary Planning Document (SPD) as a distinctive view. However, the setting of the Railway Hotel is impacted by the junction with Foxhall Road which passes its frontage. The proposed monopole would be located on the opposite side of the road to the Railway Hotel and despite its height, would be an acceptable distance away so as not to significantly detract from views of the building. However, the SPD seeks that any development in this area emphasises its focal role and placemaking qualities. Therefore, whilst I do not consider the proposal would harm the significance of the non-designated heritage asset, due to the proposal's adverse impact on the character of the area, it would not positively contribute to the placemaking aims for this area as set out in the SPD or the expectations of policy DM12 which seek to protect and enhance significant views.

Other Matters

13. Reference has been made by the appellant to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance as they would form part of the principle of the development being established by the GDPO.

Conclusion and planning balance

14. Paragraph 114 of the Framework states that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being. Paragraph 114 goes on to state that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).
15. I have found that the proposal would result in harm to the character and appearance of the area due to its bulk and prominence resulting in an incongruous feature in the street scene. The proposal would also fail to accord with the policies of the development plan insofar as they relate to the appearance of development and fail to emphasise the placemaking aims of the

area as set out in the SPD. Although the proposal would not result in harm to heritage assets, this is not itself a benefit and therefore has a neutral effect.

16. The proposed development would address an identified need for additional communications apparatus in the area. However, I conclude that the harm arising from the siting and appearance of the appeal development is such that it would outweigh the need for it to be sited as proposed.

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

Philip Mileham

INSPECTOR