



Appeal Decision

Site visit made on 5 July 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2022

Appeal Ref: APP/V2004/W/22/3295514

James Reckitt Avenue, Garden Village, Hull HU8 0EA

- 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 Hull City Council.
 - The application Ref 21/01375/TEL, dated 19 September 2021, was refused by notice dated 10 November 2021.
 - The development proposed is described as proposed 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.

Procedural 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. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the Hull Local Plan (2017) (the Local 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 Issues

4. The main issues are 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 having regard to the potential availability of alternative sites.

Reasons

5. The proposal would result in a 15-metre monopole and associated equipment cabinets being located on the intersection between two roundabouts and adjacent to a large tree in front of The Pelican public house. There are many existing streetlights, street and road signs, bollards and railings in close

proximity to the appeal site, with the tallest streetlights being approximately 8 metres high. Vertical structures are common in the street scene; however, each element does have regularity in height, spacing and siting.

6. Whilst the proposed monopole height has been lowered from 18 metres to 15 metres and would be a similar height to the adjacent tree, it would be significantly greater in height than the existing vertical structures already present and would be greater in thickness and a noticeably different shape. This would appear alien and unexpected in such a context and would interrupt the regular rhythm of spacing between the existing streetlights. There are a number of mature trees along the surrounding streets which may provide some screening when in full leaf, nevertheless, the prominent roadside position would remain highly visible from the surrounding predominantly residential area. The proposal would stand out as an incongruous feature, would add to the visual clutter and would cause harm to the character and appearance of the area.
7. Insofar as they are a material consideration, the proposal would be contrary to the aims of Policies 14 and 24 of the Local Plan which seek to minimise the impact on visual amenity as well as the Framework's policies for achieving well-designed places. Consequently, I consider that the siting and appearance of the proposal would be unacceptable.
8. Paragraph 115 of the Framework states that the number of communications masts and the sites for such installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It encourages the use of existing masts. The appellant has investigated alternative sites as required by paragraph 117 of the Framework and discounted them, in summary, due to proximity to residential properties, cycle lanes or obstructions. Based on the submitted evidence, I am not convinced that sufficient justification has been provided to support the discounting of these sites.
9. I appreciate that the search area for the proposed development is constrained and that its residential character further restricts potential sites. However, limited information has been provided as to why the alternative sites were discounted. I note that some sites are in a more commercial area or with wider grass verges. I am not, therefore, convinced that less harmful alternatives have been properly explored. I attach significant weight to the benefits that the roll out of 5G coverage would provide. However, these matters are not sufficient to outweigh the effect of the proposed installation on the character and appearance of the area.

Other Matters

10. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

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

C Megginson

INSPECTOR