



Appeal Decision

Site visit made on 21 July 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2022

Appeal Ref: APP/A2280/W/22/3295219

Sturdee Avenue, Twydall, Gillingham ME7 2JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Medway Council.
 - The application Ref MC/21/2480, dated 14 August 2021, was refused by notice dated 18 October 2021.
 - The development proposed is described as: 'proposed 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.

Procedural Matters

2. The relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), require an assessment of 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 that basis.

Planning Policy

3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have nevertheless had regard to the policies of the development 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 Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located towards the back edge of the pavement to the front of the Cricketers public house. A supermarket and post office lie opposite and together with the Cricketers form a small commercial hub along this part of Sturdee Avenue which is otherwise a predominantly residential area, comprising of mainly two storey dwellings. The Cricketers is a prominent and distinctive building of considerable scale that is markedly taller than surrounding buildings and forms a focal point at the junction of Sturdee Avenue

with Toronto Road. It is set back from the pavement along Sturdee Avenue behind a small fenced off gravelled area, whilst a tarmacked area lies between the side of the building and the pavement of Toronto Road.

6. Vertical street furniture is reasonably common in the vicinity and includes telegraph poles and lighting columns, although these rarely extend above 6 metres in height. Similarly, a sign for the Cricketers is also around 6 metres tall. There are mature trees lying adjacent to the boundary of the beer garden of the Cricketers, some distance from the appeal site, which also have a vertical presence in the streetscene.
7. It is proposed to install a monopole mast and site associated equipment cabinets in a linear arrangement directly in front of the Cricketers, set forward of the gravelled area. Despite the presence of the vertical street furniture, the proposed height of the monopole mast at 15 metres would mean that it would become the tallest such structure in the vicinity by a considerable margin. Set directly in front of the Cricketers it would become a dominant and incongruous feature at a focal point in the streetscene. The structure would appear vastly out of scale with the otherwise low level residential surroundings and would consequently appear as a discordant addition to the streetscene in views along Sturdee Avenue as well as the junctions with Toronto Road.
8. The height of the structure would not be comparable in scale with any nearby street furniture and being seen alongside the Cricketers would only serve to emphasise the dominance of the monopole on its surroundings given that a third of the structure would extend above the ridgeline of the tallest building in the vicinity. The nearby trees would break up views of the structure when heading towards it from the direction of Woodlands Road, however, I cannot be sure that these are likely to remain in the future and nevertheless, it is the views of the mast when seen in the context of the existing public house that in my view would be most harmful.
9. I have had regard to the support in the Framework for high quality communications and infrastructure. However, I must balance this against the Framework's aim for equipment to be sympathetically designed and camouflaged where appropriate, as well as the Framework's encouragement of development to achieve well-designed places for the long term.
10. I have taken into account that the capacity of the existing network is insufficient and the benefits of improved 5G coverage in particular. I have also had regard to the previous refusal on this site and that the appellant has sought to address the reasons for that refusal. 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 scale of the proposal, its siting forward of a prominent building, and its dominance on its surroundings.
11. I accept that the appellant has undertaken an assessment of potential alternatives, with these discounted for reasons such as the presence of overhead cables and lack of pavement width. One appears to have been discounted as a result of being overlooked by residential properties, however I would note that this is also the case with the appeal site. None of these options include sharing existing installations and it is not clear from the evidence before me whether the possibility of siting the apparatus on an existing building has been investigated. I am therefore not convinced that less harmful

alternatives have been fully explored and it is my overall view that the need for the installation does not in this case, outweigh the harm.

12. I conclude that the siting and appearance of the proposed monopole mast would be significantly harmful to the character and appearance of the area, and that the harm identified would not be outweighed by the need for that installation. The proposal would be contrary to Policy CF14 of the Medway Local Plan (2003) (Local Plan) which seeks to ensure telecommunications equipment is sited and designed to minimise its visual intrusion and environmental impact. There would also be conflict with Policy BNE1 of the Local Plan which, in summary and amongst other things, seeks to ensure new development is appropriate in relation to the character, appearance and functioning of the built environment by being satisfactory in terms of scale, mass, proportion, and siting and respecting the visual amenity of the surrounding area.
13. Similarly, there would be conflict with paragraph 115 of the Framework which requires new telecommunications sites to be sympathetically designed and camouflaged, where appropriate. There would also be conflict with paragraph 130 of the Framework which, amongst other things, seeks to ensure new developments add to the overall quality of the area, are visually attractive and sympathetic to the character and appearance of the area.

Conclusion

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

Paul Martinson

INSPECTOR