



Appeal Decision

Site visit made on 5 July 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2022

Appeal Ref: APP/U4610/W/22/3293608

Grassed area located off William Groubb Close, Coventry CV3 2QL

- 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 Hutchison Networks (UK) Ltd against the decision of Coventry City Council.
 - The application Ref TEL/2021/3398, dated 16 November 2021, was refused by notice dated 13 January 2022.
 - The development proposed is to regularise the development / installation of a 15m telecommunications street works pole complete with wrap around cabinet and 3 additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted retrospectively and I have dealt with the appeal on that basis.
3. I have had regard to the planning history involving the appellant's previous prior approval submission on the appeal site. I note the timescales relating to the Council's finding that the prior approval submission had not fulfilled the requirement to notify Coventry Airport. I also note the appellant's reasoning for this and that when consulted the airport confirmed no objection to that scheme. I have no reason to doubt that the appeal scheme, though not entirely consistent with the prior approval scheme, was implemented in good faith.
4. Nevertheless, it is not a matter in dispute between the main parties that the appeal scheme does not benefit from prior approval. I have determined the appeal fairly on the evidence before me.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - whether the absence of suitable alternative sites has been robustly demonstrated; and
 - whether it has been demonstrated that the proposal is acceptable with respect to its effect on the living conditions of nearby residents, with regard to noise.

Reasons

Character and appearance

6. William Groubb Close is in a residential area where there is considerable consistency in house design. Houses are two storey and of a consistent height, with relatively shallow pitched roofs. In addition, there are a number of low rise bungalows in the locality, including on John McGuire Crescent. Houses and bungalows front on to the road, behind modest front drives and gardens, most without front boundary treatment. Consequently, there is a high degree of visibility of houses from the road, and vice versa. There is a predominance of white cladding on front elevations. Garage doors are commonly white as are fascias and window frames. The uniformity and simplicity of house design, scale and colour, is a defining positive feature of the character and appearance of the area.
7. The appeal scheme is located on an area of grass that is immediately opposite eight houses fronting on to William Groubb Close. Therefore there is clear visibility of the appeal scheme from those houses and their front drives, as well as from the road and pavements immediately around the site. In addition, there is no meaningful screening between the appeal scheme and the adjacent rear garden of 22 John McGuire Crescent. There is also a clear view of the mast on approach from the south on John McGuire Crescent.
8. Street lamps in the vicinity of the site are of a slender design and not noticeably taller than surrounding two storey houses. In contrast, the mast appears markedly taller and considerably wider from the base to the antennas. The presence of trees in the wider area does not help the proposal to blend in with the street scene in this low-rise residential context. Therefore, although the height of the mast has been kept to a minimum, it appears entirely out of scale with its surroundings.
9. There are pylons located in relatively close proximity to existing houses, such as on St Jude's Crescent. However, the pylons are markedly different in appearance and character to the appeal scheme. For example, whilst significant structures, the pylons comprise a lighter weight framework rather than a single substantial mast with cabinets. In addition, the location of the pylons appears more visually associated with the railway corridor, positioned less centrally within a residential area. As such the presence of pylons in the wider area does not lend support to the appeal scheme.
10. The mast has a dark painted finish that matches that of nearby lamp posts. However given the appeal scheme's greater bulk, the dark colour emphasises its prominence and appears oppressive in the street scene. It also contrasts starkly with the predominance of white features on buildings in this area. Equipment cabinets may benefit from permitted development rights and therefore could be implemented independently of the appeal scheme. Nevertheless, from William Groubb Close and John McGuire Crescent, the mast, in combination with substantial equipment cabinets, appears as a cumbersome, intrusive addition to the street scene.
11. I have considered a number of other appeal decisions put forward by the appellant¹. However those schemes were submitted as prior approvals. As

¹ Refs: APP/G5180/W/21/3276905; APP/L5240/W/21/3274493; APP/L5810/W/21/3275535; APP/Z5630/W/21/3280478; APP/U4610/W/21/3275060

such, the principle of those developments was established through the Town and Country Planning (General Permitted Development) (England) Order 2015. That does not require regard to be had to the development plan. Whereas, this appeal scheme is an application for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

12. Accordingly, the context in which those decisions were made, and the weight applied to the need for the development relative to the presence or absence of suitable alternative sites, is not directly comparable to the circumstances before me. Consequently, the reasoning in those decisions does not alter my reasoning here. In any event, with specific regard to the Coventry decision² I note that the Inspector referred to the proposal being around 50m from the nearest residential property. Further, that the proposed equipment would not be particularly visible from neighbouring residential properties. As such the circumstances of that scheme are not sufficiently similar to this one, which is located within a residential Close.
13. Thus, the scale, form, colour and design of the appeal scheme appears entirely at odds with the positive defining features of the area. Furthermore, it is highly visible from the public realm in the vicinity of the site. Given the proximity of the appeal scheme to residential properties and the lack of screening, in my view the cumulative experience from multiple private vantage points also amounts to a legitimate matter of public interest here. I therefore conclude that the appeal scheme results in considerable harm to the character and appearance of the surrounding area.
14. Policy H5 of the Coventry City Council Local Plan (December 2017) (Local Plan), relating to managing existing housing stock, does not appear directly relevant here. However, the development is contrary to Policy DE1 of the Local Plan, which requires that developments respect and enhance their surroundings, taking into account the character of the area. It is also be contrary to Policy C2 of the Local Plan which requires that consideration of the impact of developments on their surroundings should have particular regard to their effect on the character, appearance and visual amenity of their surroundings.

Alternatives

15. The appellant refers to an identified requirement for new 5G coverage in and around John McGuire Crescent and William Groubb Close. The search area is stated as having a radius of approximately 100m, centred around John McGuire Crescent. It is not a matter in dispute between the main parties that the alternative sites considered by the appellant would not be preferable to the appeal site and can therefore be discounted. However, the Council has suggested an alternative location on Langbank Avenue. That appears to be a less sensitive location to the appeal site, being less closely related to existing houses. The appellant's evidence indicates that such a location is too far from the nominal to achieve their operational requirements. However, evidence in that respect is not definitive.

² Ref APP/U4610/W/21/3275060

16. In addition, I note that the appellant submitted a separate prior approval scheme in the locality³. Although that scheme was refused, it appears to have been supported by consideration of alternatives over a wider search area. As such, without further evidence to the contrary, the justification for discounting the Council's suggested site on Langbank Avenue is not convincing. Therefore I conclude that the absence of suitable alternative sites has not been robustly demonstrated.

Noise

17. The appellant submits that white noise emitted from the cabinets should not be of a level that disturbs neighbouring occupants as the apparatus is designed to be deployed in built-up areas. However, no further evidence is provided to indicate the actual noise emissions, which could reasonably be expected to vary throughout the day. Furthermore, no evidence is provided to confirm that any noise concerns from neighbouring residents have been satisfactorily resolved.
18. Consequently, given the proximity of the appeal scheme to existing residential properties and gardens, evidence that noise is acceptable with respect to its effect on the living conditions of neighbouring occupants is not persuasive. Therefore I conclude that it has not been demonstrated that the proposal is acceptable with respect to its effect on the living conditions of nearby residents, with regard to noise. As such, it does not accord with criterion e) of Policy DS3 of the Local Plan which supports proposals that improve wellbeing and quality of life.

Planning Balance

19. I acknowledge Coventry City Council's stated aspirations for high quality digital communications within the city, including with respect to 5G technology. I note the link between high quality digital communications and reducing the need for travel. I also note the Government's ambition to be a global leader in the next generation of mobile technology. There is support in the National Planning Policy Framework (the Framework) for high quality communications, which is considered essential for economic growth and social well-being. Decisions should support the expansion of the communications network. The delivery of 5G infrastructure is specifically referenced.
20. However, good design is also a key aspect of sustainable development. In this case, the design of the development results in considerable harm to the character and appearance of the locality. It therefore conflicts with Policy DS3 of the Local Plan as a whole, which seeks to support delivery of sustainable development. In addition, the proposal conflicts with the requirement in the Framework for such schemes to be sympathetically designed and camouflaged where appropriate. It is also contrary to the overarching imperative in the Framework for development to achieve well-designed places for the long term. Furthermore, the absence of suitable alternative sites has not been robustly demonstrated.
21. Accordingly, even were it to be demonstrated that the proposal is acceptable with respect to noise impacts on neighbouring occupants, in the circumstances of this case, national and local policy support for a high quality digital

³ Ref TELO/2022/0083

communications network does not outweigh the harm to the character and appearance of the area.

Conclusion

22. Therefore for the above reasons, having considered the development plan as a whole, the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR