



Appeal Decision

Site visit made on 6 September 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2022

Appeal Ref: APP/J4525/W/22/3299841

Bonemill Lane street works, Bonemill Lane, Washington NE38 9AP

- 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 Sunderland City Council.
 - The application Ref 21/02811/TEX, dated 30 November 2021, was refused by notice dated 19 January 2022.
 - The development proposed is described as 'in this instance the proposed new 18m high Phase 8 3HG street pole and associated 3no. equipment cabinets (colour Black -9005) are proposed to be located on the grass verge adjacent to Bonemill lane.'
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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 Sunderland Core Strategy (2020) (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 Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area. 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 appeal site is a triangle of grassed open space, abutting a length of low hedge and between the pavement and the road. It lies adjacent to the junction of Bonemill Lane and South Crescent and close to the junction with The

Generals Wood. The area is residential in character and in the immediate vicinity of the site dwellings are predominantly single storey. The site sits in a prominent curve in the road, highly visible on approach from both directions along Bonemill Lane. Vertical structures including streetlights up to approximately 10m high are common in the street scene; however, these have regularity in height, spacing and siting.

6. The proposed monopole at 18m is stated to be the minimum height which can be deployed to bring the benefits of 5G. The height would be significantly greater 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.
7. There are a number of mature trees in the private garden adjacent to the appeal site and 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 residential area. Whilst the proposal would not be directly in front of any residential properties, the bungalows along South Crescent face directly onto the site. 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.
8. Insofar as they are a material consideration, the proposal would be contrary to the aims of Policies BH1 and BH6 of the Local Plan, which seek to minimise the impact on visual amenity as well as paragraph 130 of the Framework which seeks to achieve well-designed places.
9. 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 pavements being too narrow, the presence of overhead cables and the proximity to residential property or being overlooked by residential properties. Based on the submitted evidence, I am not convinced that sufficient justification has been provided to support the discounting of these sites.
10. 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 or why these were the only possible locations within the search area. 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

11. My attention has been drawn to a nearby allowed appeal at Newcastle Road. I have limited information regarding this appeal, however, from the evidence before me I am not convinced that this appeal is directly comparable, with the

Newcastle Road appeal site having a partly commercial character, compared to the residential character of this appeal site.

12. 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

13. For the reasons given above, I consider that the siting and appearance of the proposal would be unacceptable. I conclude that the appeal should be dismissed.

C Megginson

INSPECTOR