



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: 25 October 2022

Appeal Ref: APP/H0724/W/22/3302368

Lynn Street, Stranton, Hartlepool TS24 7BY

- 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 Hartlepool Borough Council.
 - The application Ref H/2022/0139, dated 29 March 2022, was refused by notice dated 24 May 2022.
 - The development proposed is described as a Proposed telecommunications installation: Proposed 15.0m Phase 9 super slimline Monopole 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 Hartlepool Local Plan (2018) (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 sits on the pavement, adjacent to the entry gates of The Northern Studios film studios, on the eastern side of Lynn Street. Lynn Street is a long street of varied uses on the boundary of the town centre. Local Plan Policy RC3 designated the area as an innovation and skills quarter and seeks

positive change within the area including improvements to the public realm. The street features a mix of residential, office, commercial and NHS uses and features vehicular accesses to the Northern School of Art as well as the Northern Studios film studios.

6. Buildings on the western side of the street are up to three storeys high. Streetlights are regular in their height, spacing and siting on this side of the street and are viewed against the backdrop of the three storey buildings. The eastern side of the street, by contrast features few streetlights, street furniture or other vertical structures in the vicinity of the appeal site. In addition, the long single storey, flat roofed studio building, and brick boundary wall give a horizontal emphasis to this side of the street.
7. The proposed monopole has been reduced from a height of 20m in a previous proposal, and at 15m is stated to be the minimum height which can be deployed to bring the benefits of 5G. The height would be over twice the height of the flat roofed studio building, in a prominent central section of the street. It would also be significantly greater in height than the existing vertical structures present on the opposite side of the street and would be greater in thickness and a noticeably different shape. This would appear alien and unexpected in such a context.
8. There are some trees nearby, but they are some distance away along the street and the appeal proposal would not be viewed in the context of these trees, nor would they offer any screening. Whilst views may be more limited beyond Lynn Street, the prominent roadside position would be highly visible along the length of Lynn Street itself and its numerous junctions. I appreciate that there are commercial uses in the surrounding area and that efforts have been made to keep the monopole away from potentially sensitive receptors and to locate it on a wider stretch of pavement. However, the height and positioning of 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.
9. Insofar as they are a material consideration, the proposal would be contrary to the aims of Policies INF5 and QP4 of the Local Plan, which seek to minimise the impact on visual amenity as well as paragraphs 126 and 130 of the Framework which seeks to achieve well-designed places.
10. 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 insufficient pavement width.
11. I appreciate that the search area for the proposed development is constrained. 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

12. The appellant has noted that following consultation with organisations with an interest in the proposal there was no response, suggesting no objection to the proposal itself. The absence of objection does not in itself render the scheme acceptable.

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