



Appeal Decision

Site visit made on 6 October 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2022

Appeal Ref: APP/V2004/W/22/3300760

James Reckitt Avenue, Garden Village, Hull, Kingston Upon 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 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 22/00370/TEL, dated 18 March 2022, was refused by notice dated 17 May 2022.
 - The development proposed is a 15.0m Phase 9 slimline Monopole and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Order 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.

Planning Policy

3. The principle of development is established by the Order, and the provisions therein do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (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 development 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 appeal site is located on the corner junction of James Reckitt Avenue and Summergangs Road. It is located in a predominantly residential area of two storey properties. The site is adjacent to a two-storey public house and a

mature willow tree that is approximately 16m in height. The streetlighting columns closest to the appeal site are 8m in height.

6. The proposed installation has been amended from a previous proposal that was dismissed at appeal¹. The Council have set out the differences between the current proposal and the previous proposal. These differences primarily relate to the antenna and the headframe being reduced in size on the current proposal. There are also alterations to the ground-based equipment. The proposed monopole is the same height as the installation previously considered.
7. In the previous appeal, the Inspector dismissed the appeal on the grounds that, amongst other things, its height and thickness would result in it appearing alien, highly visible and incongruous. It was concluded that it would cause harm to the character and appearance of the area. Although I am not bound by the previous Inspector's findings and have considered the appeal proposal on its own individual planning merits, the decision and its findings are a material consideration which I have given significant weight.
8. I acknowledge that the current proposal has gone some way to addressing the previous concerns, particularly in relation to the thickness of the headframe and antenna. Due to its height and overall thickness, it would nevertheless remain a highly prominent installation that would be out of keeping with this low rise, tight residential area. I acknowledge that the willow tree would provide a significant degree of screening. This would however be mainly when viewed from the east and west, with limited to no screening being provided when viewed from the north and south due to the siting of the mast forward of the tree. Furthermore, any screening would be reduced when the tree is not in leaf.
9. Although the proposed monopole would be a similar height to the adjacent tree, it would be significantly greater in height than the existing streetlighting columns. Its appearance would be sudden and abrupt in its prominent position, where it would appear exposed and highly discernible, departing from the regular rhythm of spacing between the existing streetlights. 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.
10. The appellant has set out a number of discounted options. I share the Council's concern that there is limited substantial evidence for discounting sites that appear to be in a more commercialised, arterial roadside locations that do not display the same characteristics as the appeal site. I am therefore not convinced that less harmful alternatives have been fully considered and this weighs against allowing the appeal.
11. I note that as the appellant highlights, the site is not within an area with a statutory designation for a particular protection such as for heritage or ecological purposes. The lack of harm to such a protected area does not sufficiently weigh in favour of the proposal to overcome the harm I have identified.
12. For the reasons set out above, the mast would cause significant harm to the character and appearance of the area. The proposal would conflict with

¹ APP/V2004/W/22/3295514

guidance within the Framework, which requires, amongst other things that equipment on new sites to be sympathetically designed and camouflaged where appropriate.

13. In regard to those policies of the development plan that are relevant to the matters of siting and appearance, the proposal would conflict with Policies 14 and 24 of the Hull Local Plan (2016) which require, amongst other things, that utility equipment be sited so as to minimise its impact on the visual amenity of the surrounding area.

Planning Balance and Conclusion

14. I do not consider that the public benefits of the installation in terms of provision of telecommunications network, its contribution to economic growth and the operational and locational needs of the operators outweigh the significant harm that I have identified would be caused to the character and appearance of the area due to its appearance and the siting of the mast in this particular location.
15. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR