



Appeal Decision

Site visit made on 5 October 2022

by S Edwards BA MA TCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2022

Appeal Ref: APP/Z1775/W/22/3297704

Goldsmith Avenue, Milton, Portsmouth PO4 8DT

- 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.
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Portsmouth City Council.
 - The application Ref 21/01344/PN, dated 5 September 2021, was refused by notice dated 2 November 2021.
 - The development proposed is "Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), 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. Policies of the development plan and the National Planning Policy Framework (the Framework) may be considered relevant, but only in so far as they relate to these matters. My determination of the appeal shall proceed on the same basis.

Main Issue

3. The main issue is the effect that the siting of the proposal would have on the safety of pedestrians and cyclists.

Reasons

4. The proposed mast and associated cabinets would be sited at the back edge of a pavement adjacent to a busy thoroughfare which, at the time of my visit, was experiencing high levels of traffic. The pavement, though reasonably wide, is used as a shared footway and cycleway. At the narrowest point, the width of the shared space would, as a result of the development, be reduced to 2.2 metres. This would be contrary to the recommendations of the Department for Transport's guidance on Cycle Infrastructure Design (LTN1/20), which recommends a minimum width of 3.0 metres for shared use routes.

5. By reducing the width of the shared footway and cycleway, the siting of the proposal would constrict the space available for pedestrians and cyclists. This would compromise the free flow of pedestrian and cyclist traffics, increase the risk of conflicts between users of this shared space, and could also displace pedestrians onto the adjacent carriageway. As a result, the proposal would cause harm to the safety and mobility of pedestrians and cyclists in this location.
6. The Framework makes it clear that applications for electronic communications development (including prior approval applications) should be supported by the necessary evidence. This should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. However, very limited information has been presented in that respect. Similarly, and whilst alternative options appear to have been considered, limited justification has been presented to substantiate the reasons for discounting them. This may well be an 'extremely constrained' cell search area but insufficient information has been provided to demonstrate that there are no suitable alternatives to the appeal proposal.
7. The appellant suggests that the proposed cabinets are permitted development and should not be considered as a reason for refusal. However, they form part of the proposed works which have been applied for, and it seems, having regard to the available evidence, that the cabinets are an integral part of the development in that they are required in conjunction with the proposed monopole. On this basis, it is reasonable to consider the overall cumulative effect of the proposal, particularly in respect of the usability of the shared footway and cycleway.
8. Given the above, the siting of the proposal would increase the risks of conflicts between pedestrians and cyclists and, in doing so, harmfully compromise the safety and mobility of users of the shared footway and cycleway. Consequently, and in so far as they are material considerations to this appeal, the proposal would fail to meet the design aims of Policies PCS17 and PCS23 of Portsmouth's Core Strategy (Adopted 2012), which seek to promote walking and cycling and improved integration with other modes. It would also conflict with paragraph 112 of the Framework which, amongst other things, seeks to ensure that development proposals minimise the scope for conflicts between pedestrians, cyclists and vehicles, and avoid unnecessary street clutter.

Conclusion

9. The Framework supports advanced, high quality and reliable communications infrastructure, which are considered essential for economic growth and social well-being. However, the siting of the development would harmfully compromise the safety of users of the shared footway and cycleway, and I am not satisfied that the presented evidence before me demonstrates that there are no less harmful suitable alternatives to the appeal site in that respect. For the reasons detailed above, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR