



Appeal Decision

Site visit made on 7 November 2022

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2022

Appeal Ref: APP/Z1775/W/22/3299723

Hillsley Road street works, Hillsley Road, Portsmouth PO6 4LF

- 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 Portsmouth City Council.
 - The application Ref 21/01769/PN, dated 30 November 2021, was refused by notice dated 25 January 2022.
 - The development proposed is installation of 15m high street pole with wraparound cabinet and 3no. associated equipment cabinets.
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Decision

1. The appeal is allowed and approval is granted under the provisions of 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 'Order') for a 15m high street pole with wraparound cabinet and 3no. associated equipment cabinets at Hillsley Road street works, Hillsley Road, Portsmouth PO6 4LF in accordance with the terms of the application Ref 21/01769/PN, dated 30 November 2021, and the plans submitted with it.

Preliminary Matters

2. The proposed installation is described on the application form as a street pole with 3 equipment cabinets. However, the submitted drawings show that it would also include a wraparound cabinet at the base of the street pole, with 3 further equipment cabinets standing to one side. I have therefore used the wording adopted by the Council on its decision notice as a more accurate description of the proposal.
3. The provisions of the Order require the local planning authority to assess the proposed development based solely on its siting and appearance, taking into account any representations received¹. My determination of the appeal has been made on the same basis.
4. The principle of development is established by the Order. The provisions of the Order do not require regard to be had to the development plan. I have therefore only had regard to the policies of the development plan and the National Planning Policy Framework (the 'Framework') in so far as they are material considerations relevant to matters of siting and appearance.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4)

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and if harm would be caused whether there are any alternative sites or designs that would be preferable.

Reasons

6. The site of the proposed installation occupies a grass verge alongside Hillsley Road, which climbs gently from its junction with Deerhurst Crescent uphill towards the base of the ridge which runs along the northern side of Portsmouth. The area is residential in character with terraced bungalows and terraced and semi-detached houses on the lower side of the road to the site, and the rear gardens of bungalows fronting Kingscote Road on the uphill side of the road. Screened from view but audible is the M27 which runs behind the downhill houses, separated from them by a service road and a screen of trees along an embankment.
7. The proposed mast would be clearly visible in views along Hillsley Road in both directions. There is other street furniture in the immediate vicinity including telegraph poles and lighting columns. However, I estimate these are 7-8m tall and considerably thinner in profile than the proposed 15m monopole, which would accordingly have a greater visual impact. There is a high voltage power line carried on pylons running along the base of the ridge, but this is some distance from the site and not perceived within the same visual framework.
8. There is a bank of greenery along the rear gardens adjacent to the site, which includes deciduous and evergreen trees, and street trees in the verge. These vary in height with the tallest being approximately 12m tall. They would provide a partial backdrop in views along Hillsley Road and some screening from the bungalows fronting Kingscote Road, but the antennae array would still be visible above the tree tops, and all of the monopole and antennae array would be plainly visible from the properties on the downhill side of the road, and in near and medium distance views along Hillsley Road.
9. The installation would include a wraparound equipment cabinet at the base of the monopole, and 3 further equipment cabinets alongside it. Cabinets of this type are commonly found on highway verges, used by a range of utilities to house electronic equipment. They would be relatively modest in size and appearance, and I consider they would be unobjectionable.
10. Notwithstanding the presence of other street furniture and nearby trees, I consider that because of its height and girth the monopole and antennae array would be visually prominent. Telecommunication apparatus of this nature is becoming more common in built up areas as the 5G networks expand, but given the residential character of the area, I consider it would still appear somewhat discordant within the street scene.
11. It is therefore necessary to consider whether there are any alternative and preferable sites where the installation could be located, and whether there are any less visually intrusive designs. The options for such alternative locations and designs have to be assessed within the limitations imposed by the existing cellular network of which the installation would form part, and the need to cover the area targeted for reception.

12. So far as alternative locations are concerned, the appellant has provided information on a number of other sites that were assessed but discounted in favour of the proposed site. These sites are all located in similar residential areas and would give rise to similar, or in some instances more prominent positions, within their respective street scenes. I am not aware of any existing telecom masts or monopoles in the target area that could be used to mount the antennae array. Similarly, there are no buildings or structures of sufficient height that would make a preferable mounting point.
13. So far as design is concerned, a monopole is the least visually prominent freestanding means of support typically used to carry telecoms antennae. Its width is dictated by the need for strength and stability, and the appellant has stated that 15m is the minimum height needed to achieve the level of coverage required in this location. It would be painted grey to match the existing lighting columns. The height and design of the proposed installation would be similar to many other 5G telecoms installations, and I have been presented with no evidence to suggest that the design constraints are different in this case. Accordingly, I consider there are no preferable designs available that would be less visually prominent.
14. No alternative sites for the installation have been suggested by the Council or other interested parties, nor has any party indicated that any of the alternative sites assessed by the appellant would be preferable to that proposed. No suggestions for an alternative and less prominent design have been proposed.
15. Having regard to all these matters, none of the alternative locations that have been assessed are obviously more preferable to that proposed in this appeal, nor is there a better design that would reduce the visual prominence of the installation. I therefore conclude that the proposed installation would be no more intrusive than would be the case elsewhere in terms of its siting and appearance, when considered within the technical limitations of the existing network.

Other Matters

16. The grass verge appears to be used for occasional casual parking. The proposed installation would remove the potential for such parking over a length of about 6m, which is relatively modest in comparison to the length of the verge, the remainder of which would remain open. The verge is not designed for casual parking, it having become rutted through overuse which detracts from the appearance of the road. For those reasons, I do not consider that the loss of the ability to park on a short stretch of grass verge would be harmful to the availability of on-street parking in the area.
17. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by The International Committee on Non-Ionising Radiation Protection (ICNIRP).

Planning Balance

18. Paragraph 114 of the Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and supports the expansion of electronic communications networks, including the introduction of 5G.

19. Policy PCS23 of the Portsmouth Plan 2012 relates to design and conservation. While providing a general approach to design, it is not specific to telecoms infrastructure and I do not consider it adds anything extra to the effect of the proposal on the character and appearance of the area that I have already undertaken. The site does not lie within a designated conservation area.
20. In this case, while I have identified that a degree of visual harm would be caused by the proposed installation in the context of the street scene along Hillsley Road, I have also determined that the location is no more intrusive than any of the reasonable alternatives that are before me in terms of siting or design. I conclude that the economic and social benefits accruing from the provision of an advanced, high quality and reliable communications network outweigh the visual harm that may be caused. The proposal is therefore acceptable.

Conditions

21. Planning permission granted for development under Article 3(1) and Schedule 2, Part 16, Class A of the Order is subject to conditions set out in paragraphs A.2 and A.3. These specify that the development must begin not later than the expiration of 5 years beginning with the date on which the approval was given; be carried out in accordance with the details approved unless agreed otherwise by the local planning authority; and be removed as soon as reasonably practicable after it is no longer required and the land restored to its condition before the development took place.

Conclusion

22. I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR