



Appeal Decision

Site visit made on 24 November 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Appeal Ref: APP/T2215/W/22/3296038

Land in front of Priory Wall, Victoria Road, Dartford, Kent, DA1 5FS.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Dartford Borough Council.
 - The application Ref. DA/21/01619/TDA, dated 14 October 2021, was refused by notice dated 15 December 2021.
 - The development proposed is the erection of a 15.0m Phase 8 Monopole with wrap around cabinets and associated ancillary works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the monopole and apparatus on the street scene and the setting of the Priory Wall, a Grade II Listed structure.

Reasons

Background

3. The appeal site lies within a developed part of Dartford where land to the north of Victoria Road is mainly business and commercial premises. To the south of the road there is an access off a mini-roundabout to a large surface car park. The splays of this access have two triangular areas of grass which lead up to the local remains of the Priory Wall along the northern boundary of the car park. It is proposed to erect the mast and three cabinets on the western triangle of grassed area.
4. The Priory Wall is a grade II listed Building and the relevant part of the Historic England description of the Listing is :- "Substantial proportions of the boundary walls of Dartford Priory remain within the modern engineering works. They are of Kentish ragstone with flint and brick and are largely medieval but partly date from Henry VIII's reign. The longest portions front Kingsfield and Victoria Road..."

Effect on Listed Building

5. In assessing this effect I have had special regard to the desirability to preserving the 'building' and its setting and the special architectural and historic features that it possesses. At the moment the grassed area and verge provide an attractive setting to the Priory Wall in extensive views along

Victoria Road and this is only spoilt by the location of a 'V' signboard displaying sales particulars which is likely to only be displayed for a temporary period. Moreover, there is a significant and uncluttered stretch to the local part of the wall and although this reduces in height near the actual site of the proposed telecommunications equipment and is partly covered with ivy/creeper the overall presence of the wall and its historic form are readily discernible.

6. The proposed monopole mast and cabinet is proposed to be sited in front of the wall and the visual impact of these modern metal structures would materially intrude directly on its setting and in views both eastwards and westwards along Victoria Road. I find that the position, height and nature of the proposed structures would materially harm the setting of the Priory Wall and its significance as a designated heritage asset. In relation to the guidance in Paragraph 202 of the Framework I find that this harm is 'less than substantial' and has to be weighed against public benefits. Moreover in relation to development plan policy I find that the proposal conflicts with Policy DB13 of the Dartford Development Policies Plan for similar reasons.

Other matters

7. Considerable representation, mostly collated from other areas, has been submitted on the appeal by a third party. Generally these relate to health concerns over the roll-out of 5G masts. In this case the appellant company has certified that the proposed equipment and installation would be in compliance with the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In the context of this case and the main issue set out above, I do not need to consider these matters further.

Planning and historic balance

8. The identified harm to the heritage asset needs to be balanced with other factors. I have taken account of the public and private benefits of ensuring comprehensive digital coverage of a 5G network in this locality and including the difficulties that the appellant has experienced in finding an alternative solution. However from my observations around the site and the general business nature of much of the surrounding area with many large buildings, I am not persuaded that there is not a less sensitive solution within the cell search area.
9. Paragraph 199 of the National Planning Policy Framework makes clear that great weight should be given to the conservation of the heritage asset. The public and private benefits that would arise from the proposal do not outweigh the harm that would be caused to the designated heritage asset and so the appeal should not be allowed.

David Murray

INSPECTOR