



Appeal Decision

Site visit made on 20 December 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2023

Appeal Ref: APP/R4408/W/22/3304981

Birk Avenue, Barnsley S70 3DJ

- 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 Hutchison Networks (UK) Ltd against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0482, dated 6 May 2022, was refused by notice dated 15 July 2022.
 - The development proposed is described as 'Proposed telecommunications installation: Proposed 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions.
3. The provisions of the GPDO require the local authority to assess proposed development solely based on its siting and appearance, taking account of any representations received. My determination of this appeal has been made on the same basis.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. Therefore, I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are factors relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area, and on the living conditions of nearby residential occupiers having particular regard to outlook and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

6. The appeal site is part of a grassed area adjoining Birk Avenue, at the junction with Farm Road, which is mirrored by a similar grassed area at the junction on the other side of Farm Road. Beyond the site, alongside the same grassed area is the first of a row of bungalows on Farm Road and a palisade fence enclosing a commercial area accessed off Birk Avenue. There are two storey residential properties on the other side of Birk Avenue and Farm Road to the appeal site.
7. The proposal would result in a 16 metre street pole and associated equipment cabinets being located between an existing lamp post and telegraph pole and near to street trees. The lamp posts are regularly spaced along Birk Avenue and Farm Road creating a regular rhythm within the street scene contributing to the character and appearance of the area. The introduction of the proposed street pole, which would be of a significantly different scale and appearance to the existing lamp posts, would interfere with this established pattern, to the detriment of the street scene when taken as a whole.
8. Furthermore, whilst I acknowledge that vertical structures are common in the street scene the monopole would be significantly greater in height than such structures and would be greater in thickness. As a result, it would appear as an alien, and discordant, feature which would be unexpected within its context. In relatively close range the proposed street pole would appear dominant and unattractive in views from nearby houses. This would be particularly so from houses on the opposite side of Birk Avenue that face towards the appeal site, where the proposal would be viewed in part against open skies.
9. The street pole would be sited on ground rising from the junction of Birk Avenue with Hunningley Lane. It would extend well above the adjacent buildings and the nearby street trees. I accept that the existing trees would provide a backdrop to the street pole and provide some screening in certain views along Birk Avenue, which would reduce its prominence. However, the street pole would still be clearly visible above the nearby buildings and seen against the skyline.
10. For the above reasons, the siting and appearance of the proposal would harm the character and appearance of the area and the living conditions of nearby residential occupiers having particular regard to outlook. Accordingly, insofar as it is a material consideration, the proposal would conflict with the aims of Policies GD1 and D1 of the Barnsley Local Plan in respect of living conditions and design. The proposal would also conflict with guidance within the Framework, including in requiring equipment on new sites to be sympathetically designed.

Alternative sites

11. Paragraph 117 of the Framework states that evidence must be supplied to demonstrate that alternatives have been taken into consideration, including the possibility of erecting antennas on an existing building, mast or other structure. The appellant's submission sets out that existing masts are not capable of supporting additional equipment to extend coverage reach across the target area, which is not disputed by the Council. There is, however, no consideration about the siting of equipment on existing buildings or other structures, such as

Barnsley Academy or Farm Road Community Centre as referred to by the Council.

12. The information submitted as to the reasons why each of the four identified alternative sites are unsuitable is limited to a very brief commentary and they all include the reason that they are close to residential properties. However, as the appeal site would itself be close to residences, it is unclear why it has been deemed that the proposed site is preferable to the discounted alternatives. Furthermore, the cell coverage map included in the Site Specific Supplementary Information and the intended cell/target area shown in Figure 1 of the appellant's statement clearly do not relate to the appeal site. Consequently, I have insufficient evidence before me to be satisfied that alternative sites have been comprehensively assessed or that the appeal site represents the least harmful option available to meet the additional coverage and capacity requirements and so secure the same public benefits.
13. The Framework indicates that planning decisions should support the expansion of electronic communications networks. The proposal is required to address an acute need and to facilitate 5G coverage for the area. I attach positive weight to these benefits and the improved service to users. However, the overall harm caused in respect of the main issue is significant and the benefits of the proposal and other considerations do not outweigh this harm.

Other Matters

14. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Elaine Moulton

INSPECTOR