



Appeal Decision

Site visit made on 17 January 2023

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023

Appeal Ref: APP/W1525/W/22/3296415

B1137/Stump Lane, Springfield, Chelmsford CM2 6BJ

- 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 Chelmsford City Council.
 - The application Ref 21/01770/TEL56, dated 20 August 2021, was refused by notice dated 19 October 2021.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.
3. The Council has referred to a number of development plan policies in its decision notice. However, the principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 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 (the 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 installation 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 taking into account any suitable alternatives.

Reasons

5. The appeal site is part of a grass verge close to the junction between Stump Lane and Springfield Road (the B1137). It is located between a public open space to the front of Pearson Grove, which is surrounded by hedging and a

metal rail fence, and a footway alongside Stump Lane. There is also a streetlight and a road sign in close proximity along with traffic lights serving the junction. The proposed mast, at a height of 15 metres, would be located adjacent to the existing streetlight, said to be approximately 6 metres in height. The equipment cabinets would be positioned adjacent to the mast in a single line next to the hedge, away from the footway.

6. As the proposed mast would be adjacent to an open space and well separated from the surrounding built form, it would be a highly visible addition within the streetscene and from surrounding viewpoints. It is noted that the height has been reduced from the previous application¹ and is necessary to clear surrounding clutter. However, it would be considerably greater in height than the surrounding street paraphernalia and the nearby mature street trees, which provide little in the way of screening. Despite the use of a slimline pole to minimise the visual intrusion, the mast would be more prominent than surrounding objects due to its bulky and top heavy design and industrial appearance in this suburban residential environment.
7. Due to its significant height and prominent appearance, along with the open nature of the immediate area, the proposed mast would be a visually dominant and incongruous addition to the surrounding area. I do not consider that alterations to the colour of the proposed mast would mitigate its overall impact on the character and appearance of the area.
8. From the evidence provided, it appears that the proposal would not be located in close proximity to any listed buildings, conservation areas or any other designated heritage assets. However, it would be in close proximity to a number of non-designated heritage assets including a number of locally listed buildings on Springfield Road which, due to their traditional and historic appearance, contribute positively to the character of the area. Although not located directly next to these buildings, the dominant nature of the proposed mast in the surrounding area would detract from the character and appearance of these non-designated heritage assets to the detriment of their contribution to the streetscene.
9. The Council raise no objections in relation to the siting and appearance of the proposed cabinets and I find no reason to disagree with this. Nevertheless, due to its dominant and incongruous nature, the proposed mast would have a significantly harmful impact on the character and appearance of the area.
10. Paragraph 117 of the Framework states that applications for electronic communications development (including applications for prior approval under the GPDO 2015) should be supported by the necessary evidence to justify the proposed development. The appellant has identified a requirement to provide 5G network coverage in the area and has stated that the erection of a new ground-based mast in the street environment would be the only viable route to ensure the delivery of the necessary service, as opposed to site sharing or use of an existing building or tall structure. However, although the Council do not contest this matter, no explicit evidence has been provided by the appellant to demonstrate this as required by paragraph 117(c) of the Framework.
11. As well as the appeal site, seven other sites have been considered to accommodate the proposed development. These were discounted for various

¹ Ref 20/00775/TEL56 (the previous application)

reasons relating to insufficient pavement width, overlooking residential properties, proximity to a prison boundary, proximity to a listed building and from a radio perspective. The appellant considers that there are no alternative locations and that an alternative location would put the mast closer to more sensitive receptors or require a mast of an increased height. Although they contend this information was not submitted as part of the application, the reasoning submitted as part of this appeal has not been disputed by the Council. Therefore, although limited evidence has been provided in relation to site sharing or the use of an existing building or tall structure, I accept that it is unlikely that a more suitable site may reasonably be available to fulfil the identified need. As such proposals are permitted development and have been accepted in principle, this need is given moderate weight.

12. For the reasons set out above, the proposed mast would result in significant harm to the character and appearance of the area, including the nearby non-designated heritage assets. Therefore, although it is unlikely that a more suitable site would be available to achieve the identified need of providing 5G network coverage in this area, in this instance I do not consider that the need for the installation would outweigh the significant harm that I have found in relation to the character and appearance of the area. As such, on balance, I find that the siting and appearance of the proposed installation would be unacceptable.

Other Matters

13. Reference has been made to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

14. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR