



Appeal Decision

Site visit made on 4 January 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/D1780/W/22/3297699

Raymond Road, Banister Park, Southampton SO15 5AH

- 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 Southampton City Council.
 - The application Ref 21/01322/TCC, dated 27 August 2021, was refused by notice dated 29 October 2021.
 - The development proposed is a 15.0m Phase 8 monopole complete with wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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. My determination of this appeal has been made on the same basis.
3. The Council has referred to several development plan policies and the National Planning Policy Framework (the Framework) in its decision notice. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. Nevertheless, I have had regard to the development plan and the Framework only insofar as they are material considerations relevant to matters of siting and appearance.
4. Whilst the associated ancillary equipment cabinets may be within the size limits allowed under permitted development rights, they form part of the appeal scheme before me and would be unlikely to be constructed without the mast. Therefore, I have considered the effect of the appeal scheme as a whole.

Main Issues

5. The main issues of the appeal are:
 - 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 in the proposed location, taking into account the potential availability of alternative sites.

Reasons

Character and appearance

6. The appeal site is located on the pavement alongside Raymond Road, adjacent to the boundary with the Atherley Bowling Club (the bowling club). Aside from the nearby bowling club and Southampton Common (including the Southampton Old Cemetery (the cemetery)), the immediate surrounding area comprises predominately residential development.
7. The section of pavement where the proposed installation would be located is largely uncluttered by street furniture. Although streetlights and a bus shelter are currently present in this part of Raymond Road, such features are common in residential areas and, therefore, are unintrusive in the streetscene. Despite the adjacent close boarded boundary fence to the bowling club, there is a sense of openness in the immediate vicinity of the appeal site due to the lack of built form associated with the bowling club. There are no landscape features in this part of Raymond Road, and no space to accommodate planting.
8. The proposed installation comprises a 15m high monopole mast with three, separate ancillary cabinets. It would be freestanding, located at the back of the pavement alongside the bowling club boundary fence. The monopole would be substantially taller than any other structure or building in the area, including the streetlights. Additionally, despite being described as slimline, the monopole would be significantly broader than the streetlights, particularly at the top. As a result, the proposed monopole would be clearly visible in views along Raymond Road, from nearby dwellings, particularly those opposite, and the bowling club.
9. In the wider area, given the open nature of the bowling club site, the mast would be clearly visible from Hill Lane and parts of the cemetery. Whilst the existing dense area of mature trees within the cemetery and Southampton Common restrict longer distance views, these landscape features would offer limited screening of the proposed installation locally. Moreover, given the height and form of the monopole, it would be a jarring feature in views with the trees in the backdrop.
10. Although the appellant is willing to paint the mast and cabinets in a colour deemed appropriate to enhance any merging effects with the existing streetscene, no colour was proposed. The Council, in its suggested conditions, have included the use of a dark green colour. However, given the colour of the fence adjacent to the site, I am not persuaded that imposing such a condition would result in the mast merging into the existing streetscene, except in vistas with the mature trees of the cemetery in the backdrop. In any event, the GDPO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. Consequently, there would be no means for ensuring this outcome.
11. For the reasons above, I conclude that the siting and appearance of the proposed installation would be harmful to the character and appearance of the area. Insofar as they are a material consideration, the proposed installation

would be contrary to Saved policies SDP7, SDP9 and TI5 of the City of Southampton Local Plan Review (as amended 2015) and policies CS13 and CS21 of the Local Development Framework Core Strategy (as amended 2015). Amongst other provisions, these policies require development, including telecommunications equipment, to respect and respond to the locality and not cause material harm to the character and appearance of the area. It also conflicts with overarching principles of the Framework for development to achieve well-designed places for the long term.

12. The Council also refer to Policy SDP1 on the decision notice. However, as this concerns the effect of new development on the health, safety and amenity of the city and its residents, and the promotion of mixed uses, it is not determinative in this case.

Availability of alternative sites

13. Paragraph 117 of the Framework advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed installation. In the case of a monopole this includes a demonstration that the applicant has explored the possibility of siting antennae on existing buildings, masts or other structures.
14. I acknowledge that new installations are required given the constraints associated with 5G technology and I have no reason to question whether the proposed height of the mast is necessary. However, limited substantive evidence has been provided exploring the possibility of siting antennae on existing buildings or other structures which could reduce the impact of the installation on the surrounding area.
15. I appreciate that the 5G cell search area is constrained and that sharing structures may result in an intrusive feature. Additionally, I have not been made aware of other alternative sites, aside from those indicated by the appellant, by the main parties in this case.
16. Although the appellant argues that the alternative sites have been selected as they are as far as possible away from sensitive receptors, such as residential properties, limited additional reasoning has been provided. Additionally, there is little justification of the reason why all alternative sites, with the exception of location D1, are located alongside Hill Lane. Furthermore, these sites are in close proximity to each other. In respect of sites D2 and D8 no reference is made to their position opposite the King Edward VI School.
17. Whilst location D1 was discounted due to its proximity to residential properties, the remaining alternative sites were discounted due to their proximity to the listed boundary wall of the cemetery or mature trees. Beyond these constraints, no further evidence has been provided demonstrating that these sites have been investigated and given further consideration prior to being discounted.
18. Consequently, based on the evidence before me, I am not satisfied that a robust review of the availability of alternative sites within the cell search area has been undertaken to demonstrate that the appeal site represents the only viable option. As such, the proposed installation would be contrary to the aims of the Chapter 10 of the Framework, as set out above, which requires evidence to demonstrate that alternative sites have been explored.

Other Matters

19. The lack of statutory consultee objections, either during pre-application discussions or the application determination period, is not a reason to permit unacceptable development. Furthermore, the fact that the appeal site is not located in an area subject to a statutory designation does not alter my determination of this appeal.

Planning Balance and Conclusion

20. The appellant has demonstrated that there is a particular need for the proposed telecommunications equipment in the area to address existing shortfalls in network coverage. The Framework supports the expansion of electronic communications network, including next generation mobile technology and there would be social and economic benefits from the proposal installation in this respect. However, these social and economic benefits are recognised by the grant of permitted development rights in the GDPO and therefore do not carry additional weight when considering matters of siting and appearance as part of the prior approval process.
21. I apportion significant weight to the harm to the character and appearance of the area arising from the siting of the monopole on the appeal site and this harm is not outweighed by the benefits of the appeal scheme or the need for the installation to be sited as proposed.
22. For the reasons given above, and having regard to all relevant matters raised, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR