



Appeal Decision

Site visit made on 6 December 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/P2114/W/22/3299132

Baring Road, Cowes, Gurnard, Isle of Wight PO31 8DU

Easting 448239, Northing 095781

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(the GPDO).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Isle of Wight Council.
 - The application Ref 21/01957/16APA, dated 25 September 2021, was refused by notice dated 18 November 2021.
 - The development proposed was originally described as an 18m Phase 8 Monopole complete with wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner above is taken from the application form. It refers to an 18m high monopole, as does the Council's decision notice. The main parties agree that amended plans for a 16m high monopole were submitted prior to the Council's decision and they have considered the appeal as such. I have determined the appeal on this same basis. This discrepancy has no bearing on my decision.
3. The proposed development was publicised by the Council at application and appeal stages. A number of local residents made representations on each occasion. I am therefore satisfied that public consultation has taken place.
4. Because this is an application for prior approval, the provisions of the GPDO require the local planning authority to assess the proposed installation having regard to its siting and appearance, taking into account any representations received. I have determined the appeal on this same basis.
5. The social and economic benefits of the proposed development have effectively already been recognised by the grant of planning permission under Article 3(1) of the GPDO. Consequently, I have not taken these into account in considering prior approval and the matters of siting and appearance.
6. The appellant contends that the equipment cabinets are permitted development but there is no evidence they would be installed in isolation. The proposal relates to the whole installation, as set out in the description of

development and submitted plans. I have therefore determined the appeal on this basis.

7. The principle of the development is established by the GPDO. Its provisions do not require regard to be had to the development plan. Nevertheless, Policies DM2 and DM12 of the Council's Island Plan Isle of Wight Core Strategy March 2012 refer to matters relevant to the siting and appearance of development. I have had regard to these policies only in so far as they are material to the consideration of siting and appearance. Similarly, the National Planning Policy Framework (Framework) includes a section on supporting high quality communications.

Main Issues

8. The main issues are:

- the effect of the siting and appearance of the proposed development on the character and appearance of the area;
- the effect of the siting and appearance of the proposed development on the living conditions of the existing occupiers of nearby dwellings with regard to outlook; and
- if any harm would be caused in these regards, whether this is outweighed by the need to site the installation in the location proposed, taking into account any suitable alternatives.

Reasons

Character and appearance

9. The appeal site is part of a highways grass verge on the inside of edge of Baring Road as it curves past a junction with Woodvale Road. Street furniture in the verge and nearby includes streetlighting columns, telegraph poles, road signs, equipment cabinets and a bench and is limited or low key in extent or height. Dwellings along these roads are modest in scale and massing, set back behind mainly front garden trees or hedgerow with some walls and fences. Land on the south side of the junction is undeveloped and includes roadside hedgerow and trees. There is, as a result, a distinctly spacious suburban feel to this area.
10. The proposal is for a new installation at the back edge of the verge next to a wall, at a point where a row of deciduous and evergreen trees in the front garden of No.150 Baring Road change height (taller to the north, lower to the south). It would comprise a 16m monopole with antennas and ground equipment cabinets, one enclosing the base of the monopole. It is needed by the operator to improve mobile telecommunications coverage and capacity in the area for 5G services. I am informed that the installation is the minimum necessary to meet the appellant's service and coverage needs. Though innately utilitarian in design, it would be representative of this type.
11. However, the monopole would be substantially taller and significantly wider in diameter than the streetlighting columns or any other column or telegraph pole near the site. It would be about twice the height of the closest dwelling and the lower section of the row of trees at No.150. A substantial upper part of the monopole, including the bulkiest top section with antennas, would protrude

- appreciably upwards above these trees and this dwelling. Despite the bend in the road, this would be evident in shorter and longer distance year round uphill views from the lower section of Baring Road to the south.
12. The monopole would not be directly opposite the junction with Woodvale Road, so not visible in more distant views from the lower section of this road, including because of intervening trees. However, in uphill views from closer to the junction, including sitting on the bench, and albeit seen against the backdrop of the wall and row of trees at No.150 (whether in leaf or not), the entire monopole would be plainly evident. It would be particularly exposed on one side next to the shorter trees.
 13. The taller section of the row of trees at No.150 would screen most of the monopole in all views from Baring Road to the north and because the road curves away from the verge. The top section with the antennas would not be overly prominent or conspicuous above these tree canopies, even in winter months when some of the trees were not in leaf.
 14. Accordingly, despite a sympathetic colour the monopole would be unduly prominent and overly conspicuous in two of these three streetscenes, including the bulkiest top section with antennas. It would breach the general visual horizon and panorama in these views and dominate the local skyline. Such an imposing and intrusive structure would be a discordant feature and jar in these public views.
 15. The cabinets would be sited in a row and could be finished in a sympathetic colour. Albeit taller and bulkier, they would be in line with the existing cabinet and would be below the height of the wall behind with the taller trees above. While they would be seen in public views, they would be relatively innocuous features in the general streetscene.
 16. The row trees at No.150 are on land covered by a Tree Preservation Order (TPO) but this part of the TPO refers to an 'area' of trees. There is no evidence that these trees were standing when the TPO was made on 13 April 1951 and are protected by the TPO. Nonetheless, by virtue of their siting and size they have significant individual and collective public amenity value. They are not fully grown and have some anticipated longevity. There is no objective evidence that groundworks would not interfere with root protection areas or to explain any future management requirements to avoid interference with the antennas, such as removal of overhanging or obstructive foliage. Such impacts could have a detrimental effect on the trees and in turn the character or appearance of the area.
 17. I appreciate that taller and thicker monopoles, with bulkier antennas, are required for 5G services. These structures are also generally becoming more commonplace, including in built-up areas. Nonetheless, the proposal would not be sympathetically designed in height or siting or be sufficiently camouflaged by existing features as is otherwise required by Framework paragraph 115.
 18. I find that the siting and appearance of the proposed monopole would cause significant harm to the character and appearance of the area.

Living conditions

19. The houses at Newlands in Woodvale Road and at Nos.115 and 117 Baring Road face towards the site on the corner of the junction. The monopole and

antennas would be experienced as a stark change by the occupiers of these dwellings, though intervening walls, fences, hedges or trees would have a filtering effect in views from ground or first floor windows. As such, while the monopole or antennas would not be overwhelming, they would be sufficiently in line of sight or proximity so hard to ignore, with an overbearing presence.

20. The lower crowns of the trees in the front garden of No.150 Baring Road have been recently raised above the height of the wall but this has not affected the height or linear continuity of the canopies. Though closest to the site this dwelling does not directly face towards it, so views from room windows over the wall would be limited by the oblique angle and be of only of a small lower section of the monopole. Views of any significant other part of the monopole from windows or the garden of this dwelling would still be restricted by the tree canopies. It would not, therefore, be overbearing.
21. The monopole or antennas may also be visible from some other surrounding residential properties. However, these views would not be sufficiently in line of sight or close enough for the proposal to have the same effects. The cabinets would not be sufficiently large or close enough to any dwelling to have an overbearing presence in views from windows or gardens.
22. I find that the siting and appearance of the monopole would cause limited harm to the living conditions of the existing occupiers of Newlands in Woodvale Road and Nos.115 and 117 Baring Road with regard to outlook.

Alternative sites

23. I appreciate that the cell search area for the new 5G site is extremely constrained, with a typical radius of approximately 50m, and that the installation must be located in a cell search area or very close to it. Moreover, a 5G installation also operates over a relatively small area. The appellant has assessed nine potential alternative new sites within the Cowes target coverage area, though the location of two are not shown in the appellant's aerial photograph.
24. On the evidence before me, none of these sites were discounted because they were outside of the target coverage area, would not meet the operator's service needs or because a taller mast than the appeal proposal would be required; nor were any discounted for reason of impact on the character or appearance of those areas. One site was discounted only because it would require private land and two others only due to proximity to residential properties. However, no reason has been given why the appellant has not been able to secure this private land. Nor has it been clarified whether these other sites were any closer to residential properties than the appeal proposal or that siting and appearance would have a worse effect on living conditions.
25. At application stage the Council suggested that land within the golf course, further to the east of Baring Road, might provide an alternative site. However, the appellant has not addressed this possibility in its appeal case. Moreover, the operator's existing site (IOW081) in the golf course has no congested or overloaded sectors. Even if it would result in additional antennas or a bulkier support structure, it has not been explained why upgrading the operator's own site would not be feasible or not meet the operator's needs.

26. I accept that 5G equipment and operating requirements mean that some existing structures or masts that already provide an installation for another operator cannot be used. However, even if this would also result in additional antennas or a bulkier mast, there is no evidence that the appellant has considered the possibility of upgrading any such existing site or mast within the target coverage area, including to facilitate co-location or site sharing to keep the number of masts or sites to a minimum.
27. Consequently, having regard to Framework paragraphs 115 and 117 c), I am not satisfied that there is clear or persuasive evidence that there is no likelihood of a more suitable and reasonably available alternative site within the target coverage area, or therefore that the appellant has provided the necessary evidence with regard to alternative sites to justify the proposed development.

Other Matters

Health

28. I appreciate that some people would live close to the monopole and that people walk along Baring Road and Woodvale Road including, as I saw at my site visit, school children who attend nearby Gurnard Primary School. People might also sit on the bench for a while. However, 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 sets out that health safeguards are not something which a decision-maker should determine. There is no objective evidence before me to indicate that the ICNIRP guidelines would not be complied with or, therefore, that there would be a departure from national policy in this regard.

Conclusion

29. The proposal would cause harm to the character and appearance of the area and to the living conditions of some local residents. The appellant has not substantiated a need for the proposed development to be on the appeal site. Therefore, for the reasons given above the appeal does not succeed.

Robin Buchanan

INSPECTOR