



Appeal Decision

Site visit made on 24 January 2023

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal Ref: APP/H1515/W/22/3297189

Hullett's Lane, Pilgrims Hatch, Brentwood CM14 5PL

- 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 Hutchinson Networks (UK) Ltd against the decision of Brentwood Borough Council.
 - The application Ref 21/01215/TEL, dated 4 July 2021, was refused by notice dated 22 October 2021.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
-

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 several development plan policies in its decision notice. Their statement also highlights that a new development plan, the Brentwood Local Plan 2016-2033 was adopted on 23 March 2022 with new policies superseding those in the Brentwood Replacement Local Plan 2005. 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 newly adopted 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 Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the living conditions of the occupiers of neighbouring dwellings 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 a small grass verge located on a busy junction between Ongar Road, Hullett's Lane, Orchard Lane and Coxtie Green Road and is adjacent to two small roundabouts. There is also streetlighting, mature trees and some road signs in close proximity to the appeal site. The surrounding area is suburban and primarily residential in nature with some commercial uses also present on Coxtie Green Road.
6. Although it is noted that the height of the proposed mast, at 15 metres, is the minimum height required to clear the surrounding clutter, due to its prominent location on a busy junction with limited built form surrounding it, it would be a highly visible addition within the streetscene and from surrounding viewpoints. It would also be higher than the surrounding street paraphernalia, including the adjacent trees and streetlighting, which provide little in the way of screening. Despite the use of a slimline pole, the proposed mast would also be more prominent than the existing features due to its bulky and top-heavy design. 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 addition to the surrounding area.
7. The appellant has indicated that the proposed cabinets could be installed under permitted development rights and do not require prior approval. No evidence has been provided to demonstrate that this is the case. However, whilst visible in the public realm, the proposed cabinets are positioned adjacent to an existing fence, away from the footway and would be relatively modest in scale and height. Therefore, they would not be an overly dominant or incongruous addition to the streetscene and would not harm the character and appearance of the area.
8. Due to its height, the proposed mast would be visible from a number of surrounding residential properties. However, the proposed location of the mast would be sufficiently separated from these neighbouring dwellings to ensure that it would not have a detrimental impact on the living conditions of the occupiers of these properties in relation to outlook.
9. It is noted that telecommunications equipment of this scale and appearance may not be an uncommon feature within a residential area such as this one and that a change in colouring could be used to help the proposal match its surroundings. Nevertheless, whilst the proposal would be sufficiently separated from nearby residential properties and I find no harm in relation to the proposed cabinets, due to its dominant and incongruous nature, the proposed mast would result in significant harm to 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 this area for optimum telecommunications and mobile broadband services, as it is currently lacking coverage. They indicate that the erection of a new ground-based mast in the street environment would be the only viable route to ensure the delivery of this 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 evidence has been provided by the

appellant to demonstrate this as required by paragraph 117(c) of the Framework, particularly in relation to use of an existing building or structure.

11. As well as the appeal site, nine other sites in the designated search area have been considered to accommodate the proposed development. These were discounted for various reasons relating to insufficient space, obstructing overhead cables and tree canopies, proximity to residential properties and proximity to an access road. However, the Council considers that some of the discounted sites are further from the appeal site than the alternative sites suggested within their report and would have a less significant impact on the character and appearance of the area than the proposal. Whilst this does not negate the reasons for discounting these alternative sites outlined by the appellant, it does highlight that other suitable locations may be available, which the Council support and which fulfil the identified need in this constrained search area. As such, although the proposals are permitted development and have been accepted in principle, as alternative sites may be possible this need is given only moderate weight.
12. For the reasons above, the proposed mast would result in significant harm to the character and appearance of the area. Furthermore, as a more suitable site may be available to achieve the identified need of providing 5G network coverage in this area, 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, I find that the siting and appearance of the proposal is 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.
14. The appellant makes reference to a request for pre-application advice which was not provided by the Council. Nevertheless, this would have no bearing on my consideration of the appeal or the overall outcome.

Conclusion

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

E Grierson

INSPECTOR