



Appeal Decision

Site visit made on 31 January 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2023

Appeal Ref: APP/U4610/W/22/3309396

**St Martins Road street works, St Martins Road, Coventry CV3 6FD
(433134, 275199)**

- 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 Coventry City Council.
- The application Ref TELO/2022/1790, dated 1 July 2022, was refused by notice dated 26 August 2022.
- The development proposed is a 5G telecoms installation: H3G street pole and additional equipment cabinets.

Decision

1. The appeal is allowed and prior approval is granted for a 5G telecoms installation: H3G street pole and additional equipment cabinets at St Martins Road, Coventry, CV3 6FD in accordance with the terms of application Ref TELO/2022/1790, dated 1 July 2022, and the following plans submitted with it: COV21646_MBNLCOV232_TM86336_H3GCV1576_GA_REV_A Issue A - 002 Site Location Plan, 215 Proposed Site Plan and 265 Proposed Site Elevation.

Procedural 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 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 and the National Planning Policy Framework (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 locality and the living conditions of nearby residents with 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

5. The site lies within a landscaping corridor between the principal carriageway of St Martins Road and one of 2 subsidiary parallel residential estate arms serving the adjacent residential suburb. The site lies on the inside of a slight bend in the road, which gently descends from south to north. In the locality, the landscaping consists of mature deciduous trees, some of which are pollarded, and lower shrubs and bushes, which include some evergreen species.
6. The proposal seeks the installation of an industry standard 15m high monopole mast with an open headset. This would be located in a position set back from the roadside of the western estate arm of St Martins Road. It would be opposite the bell-mouth of Stonehaven Drive. Three associated equipment cabinets would be aligned alongside at a short distance from the mast. The cabinets and mast would be finished in dark green.
7. The location would make good use of the existing tree cover within the landscaping strip. Being sited on the inside of the bend, views from the main carriageway would be largely obscured on the approaches. In a position whereby much of the upper part of the mast would nestle within the canopy line of the nearby trees, the proposed position would also limit any visual incursion along the western estate arm.
8. Its siting opposite the junction with Stonehaven Drive would ensure no direct outward views would arise from habitable rooms in either of the properties flanking it. The nearest houses on Stonehaven Drive have main outlook views orientated away from the intersection. Although some sideways views to the mast from habitable rooms and side garden areas of the nearest houses would result, these would be at sufficient distance to ensure it would not dominate those outlooks or overbear on the occupiers of those residential properties.
9. The mast would be directly opposite some habitable room windows of houses on the eastern estate arm of St Martins Road. These are set at a lower level than the site. However, notwithstanding the deciduous nature of trees along both sides of the main carriageway, those views would be largely filtered to avoid the appearance of the development causing significant harm to the residential living conditions of those occupiers.
10. Seen in conjunction with tall street lighting columns on the main carriageway, mossed timber telegraph poles and the mature trees, the location would maximise the potential for the assimilation of the mast. It would limit its prominence and the effects of its height and utilitarian appearance.
11. The extent of the ground coverage would be limited in the context of the informal open space provided by the landscaping corridor. It would neither materially impede physical use of the strip or appear so dominant as to discourage its use.
12. I note the Council's contention that the facility could be located elsewhere. However, there is little to suggest that other sites would reasonably be available for that purpose and could offer the same degree of assimilation. It is evident from the appellant's coverage map that the location would provide encompassing coverage to the residential area.
13. In support of the application, the appellant provided details of other sites within the cell search area which were considered alongside the proposed location.

These appear to be located at junctions to minimise effects on residential properties and away from the rural fringes of the housing area.

14. Having reviewed those sites on the ground and had regard to the appellant's own assessments, I find that their closer proximity to residences, imposition on residential outlook, or the poorer ability to limit the visual effects of the appearance of the apparatus, would cause greater harm than the proposed siting. Accordingly, I conclude that the proposed site offers the best option within this constrained residential location.
15. Taking all of the above together, I find that the proposed siting would achieve the best practicable option to minimise the effects of its siting and design on the character and appearance of the locality and the living conditions of nearby residents. Any harm arising therein would, in my view, be limited and outweighed by the need for the installation to be sited as proposed taking into account identified alternatives.
16. Therefore, insofar as they are a material consideration, the scheme would accord with the design aims of Policies DE1 and C2 of the Coventry City Council Local Plan [2017] with respect to visual amenity, including its effects on residential living conditions having regard to outlook, and the character and appearance of the surrounding area.

Other Matters

17. Concerns have been raised about potential effects on health. 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 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 in this regard would be justified.
18. I note the submission that the proposal could result in highway safety concerns. However, there is little substantive evidence to support that claim. It is not therefore a matter of significant weight in the appeal.
19. Reference has been made to various social and economic benefits of the mast but these have not been taken into account in considering the matters of siting and appearance.

Conditions

20. The Council has suggested that a condition be added to any grant of prior approval requiring a colour treatment to the proposed mast and associated cabinets. However, the Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These are set out in Part 16, Class A, A.2 and A.3 of the GPDO and specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

21. For the reasons given, and having regard to all other matters raised, the appeal is allowed subject to the standard conditions set out in the above referenced paragraphs of Part 16 of the GPDO 2015.

R Hitchcock

INSPECTOR