



Appeal Decision

Site visit made on 9 January 2023

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/W1525/W/22/3299297

Land off Copperfield Road, Copperfield Road, Eastover, Chelmsford CM1 4UN

- 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 Hutchison 3G UK Limited against the decision of Chelmsford City Council.
 - The application Ref 21/02468/TEL56, dated 16 December 2021, was refused by notice dated 27 January 2022.
 - The development proposed is the installation of a 15 metre high, monopole tower to support antenna, associated radio-equipment housing and ancillary development hitherto.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Under Part 16 of the General Permitted Development Order 2015 (GPDO) the principle of telecommunications development is already established. This means that such prior approvals are not determined in accordance with the development plan. The only matters relevant to my consideration under the GPDO are the siting and appearance of the proposal. My determination of the appeal has been made on this basis.
3. Nevertheless, Policy DM23 of the Chelmsford Local Plan (2020) is a material consideration as it relates to issues of siting and appearance. In particular, it seeks development which respects the character and appearance of the area in which it is located and is compatible with its surroundings having regard to scale, siting, form, and materials. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, including the sections on supporting high quality communications and achieving well-designed places.

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;
 - the living conditions of residents on either side of the road, 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

Character and appearance

5. Copperfield Road is a distributor road, providing access to other roads serving residential and community uses. Footways on both sides are segregated from the road by narrow grass verges, which contain occasional street trees. In places, wider grass verges are found between the footway and the rear or side boundaries of dwellings or other uses.
6. With rear gardens abutting the road on either side, and the roofs and upper floors of two storey houses visible beyond them, the road has an open residential character, with fields beyond to the west. Grass verges, hedges, small street trees, and accessible green space and the school playing fields further afield, soften its general appearance.
7. The proposed installation would be sited on the grass verge between the footway and road. It would be located at the end of the rear gardens of houses on Pickwick Avenue, adjacent to an existing coniferous hedge at the end of one of the gardens.
8. The proposed monopole, at a height of 15m, would be significantly higher than the adjacent hedge and the nearest dwelling. The roofs of other houses seen from the road are of a similar height, and lampposts on the other side of the road are only slightly taller. The proposed mast would appear to be more than double the height of most other features in the street scene, and would be substantially wider than existing lampposts. It would contrast sharply with the low-rise residential character of the area, and would detract from its character.
9. Given the height of the proposed mast and the appearance of the antennas it would also be seen as an industrial feature between and above the houses to the south on Pickwick Avenue and, to a lesser degree, from those to the north on Spenlow Drive. Its scale would be dominant and harmful in these settings.
10. The appellant makes reference to the presence of 3-4 storey flatted developments within the vicinity of the site, but I could see no such development in the area, which consists of 2 storey houses. It also refers to existing trees, but there are no highway trees on this side of the road, and the plans show that small trees in the residential gardens adjacent are much lower than the proposed mast, and would do little to mitigate its visual impact.
11. I note the Council's concerns about the size and scale of the proposed cabinets. However, given the existing sense of enclosure generated by rear garden boundaries along Copperfield Road, the cabinets would not be unduly harmful in this setting, despite their significant size.
12. In conclusion, overall the siting and appearance of the proposal would therefore harm the character and appearance of the area, and the harm should be weighed against the need for the installation to be sited in this location.

Living conditions

13. The appellant states that the installation would not be directly in front of any residential properties, but the mast would be directly opposite the rear of numbers 20 and 22 Pickwick Avenue, and almost immediately at the end of their gardens. It would also be very prominent from other dwellings on that part of Pickwick Avenue, and from the rear of dwellings and their gardens facing it on Spenlow Drive.
14. Given the height of the proposed mast and the appearance of the antennas, it would be seen as a very large industrial feature from these houses and their gardens. Its scale would be dominant and harmful to the living conditions of occupiers of those dwellings.
15. In conclusion, the siting and appearance of the proposal would harm the living conditions of residents north and south of the proposed development, with regard to outlook. This harm should also be weighed against the need for the installation to be sited in this location.
16. Furthermore, despite the support for high quality communications in the Framework, this is not at the expense of other Framework requirements such as achieving well designed places.

Need and alternatives

17. I note the support in the National Planning Policy Framework (the Framework) for high quality communications, and that advanced, high quality, reliable communications infrastructure is considered essential for economic growth and social well-being. I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places.
18. The proposal would provide 5G coverage for the wider area, and the appellant advises that the height of the proposed mast is the minimum required to do so.
19. With regard to alternative locations/solutions, the appellant advises that the target/search area has a radius of approximately 100m, but I have not been provided details of existing coverage in the area. The appellant has considered other potential sites and, although grid references have been provided, I have not been provided with a map showing their precise locations.
20. The appellant has discounted site D2 on the basis that there is no space for the equipment, but on both sides of the road there are grass verges wider than the appeal site. It has also discounted it on the basis that it is too close to a school, but site D1 was not considered to be, despite being closer. Sites D3 and D4 appear to be in the same location, but entirely different reasons are given for their unsuitability. Site 5 is discounted as not being adopted highway, but neither would it necessarily be if installed on shared masts, existing buildings or other structures, in accordance with paragraph 115 of the Framework.
21. Overall, with the information before me, I am not satisfied that a robust assessment of alternative sites has been carried out. I also fail to see how sites D2 and D3 could be considered without also considering the supermarket

building, its site or service yard, or the non-residential buildings within its vicinity.

22. It has therefore not been demonstrated that this specific site is the only location for installation within the area in question, and that the harm found would not be equivalent or less on a site elsewhere.
23. With the information before me, this harm would not be outweighed by the need for the installation to be sited as proposed.

Other Matters

24. 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 would be justified.

Conclusion

25. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Peter White

INSPECTOR