



Appeal Decision

Site visit made on 18 October 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/D1780/W/22/3295993

Lords Hill Centre West, Lords Hill, Southampton SO16 8HZ

- 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 21/01550/TCC, dated 9 October 2021, was refused by notice dated 2 December 2021.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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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), 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 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. I have had regard to the policies of the development plan 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 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. The appeal site comprises part of the grass verge on Lords Hill Centre West in Lords Hill, which is a broadly residential area, although commercial uses are present to the north of the site. The site is immediately north of the junction

with Upper Brownhill Road, and considering this and the linear length of Lords Hill Centre West, the site occupies a particularly prominent position in the street scene. Due to the site's green and open nature, it contributes to the sense of spaciousness present in and around the junction.

6. Several streetlight columns, telegraph poles, and road signage, all with a vertical emphasis, are present near the site, including streetlight columns present at periodic intervals along Lords Hill Centre West. Nevertheless, the proposed 15 metres high telecommunications monopole would be much taller than these items of street furniture, and due to its bulky antenna several metres above-ground, it would appear as a visually dominant feature in its prominent location near the junction with Upper Brownhill Road.
7. There is a bank of mature trees present to the rear of the site on Lords Hill Centre West. However, according to the submitted proposed elevation drawing, the proposed monopole would be taller than most of these trees. Moreover, whilst these trees and other nearby trees would somewhat soften the appearance of the proposed monopole, their positive contribution in this respect would be much reduced during winter months.
8. As such, considering the prominence of the site in the street scene, the availability of long-range views down Lords Hill Centre West towards the site, and the height and overall scale of the proposed monopole in comparison with the less imposing items of street furniture, and the limited screening effect offered by the nearby trees for several months of the year, I consider that the proposed monopole would appear as an unduly dominant and obtrusive feature in the street scene. Furthermore, due to the lack of similarly-sized structures in the immediate vicinity, it would appear as a noticeably alien feature in the street scene.
9. The appellant has suggested that the colour scheme of the proposal could be specified via details required by a planning condition. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions found within Class A of Part 16. On this basis, it would not be reasonable to impose conditions relating to this matter.
10. I therefore find that the siting and appearance of the proposed installation would have an unacceptable and harmful effect on the character and appearance of the area. Whilst not determinative, I have had regard to Policy CS 13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015), Policies SDP 1, SDP 7, SDP 9 and TI 5 of the City of Southampton Local Plan Review (as amended 2015), and chapter 12 of the Framework. To the extent that they are relevant considerations within the terms of the GPDO, the proposal would conflict with their collective aims that, amongst other things, development should respond positively and integrate with its local surroundings.

Alternative sites

11. Paragraph 117 of the Framework provides that, amongst other things, applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development, and that this should include for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

In this regard, it is noted that, as with all 5G cells, the relevant cell search area is extremely constrained, and that the designated search area is intended to cover a densely-packed residential area.

12. Although Option 2 and discounted option D5 are located near to the commercial area between Lords Hill Centre West and Lords Hill Centre East, few specific details have been provided to illustrate why the proposal could not be located further within that commercial area, which some local residents and the Council have identified as a more appropriate location for the proposal, particularly given that this area is only a short walk from the appeal site, and is also near to residential properties.
13. On this basis, the evidence does not demonstrate that all potentially available alternative options have been adequately explored. Consequently, on the evidence before me, I find that it has not been proven that less harmful alternative sites are not available.

Balance

14. Whilst reference has been made to various social and economic benefits, and appeal decision Ref APP/G4240/W/20/3263529 has been quoted in this regard, these social and economic benefits have not been taken into account, as the prior approval considerations are limited only to matters of siting and appearance. Notwithstanding this, paragraph 114 of the Framework provides that, amongst other things, planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Taking this into account, and considering the extremely constrained nature of the cell search area, the need for a mast within the designated search area has been demonstrated.
15. However, the proposal would have an unacceptable and harmful effect on the character and appearance of the area. It has also not been proven that less harmful alternative sites are not available.
16. Accordingly, I find that this harm is not outweighed by the need for the installation to be sited as proposed or by the technical requirements of the installation (noting that the proposal represents the optimum design solution for deploying 5G technologies and that the height proposed is the very lowest that works effectively for the Operator), taking into account my reasoning above with respect to alternative sites.

Conclusion

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

Alexander O'Doherty

INSPECTOR