



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/22/3298235

Ellwood Avenue, Bitterne, Southampton SO19 6BP

- 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, A.3(4) 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 21/01400/TCC, dated 12 September 2021, was refused by notice dated 10 November 2021.
 - The development proposed is described as, "Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works".
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the installation of telecommunications equipment including 15m high monopole, equipment cabinets and ancillary works to facilitate 5G network at land at Ellwood Avenue, Bitterne, Southampton, SO19 6BP in accordance with the terms of the application Ref 21/01400/TCC, dated 12 September 2021, and the plans submitted with it including 002 Site Location Plan (drawing no. SMP19416_M001) (Issue: A), 210 Proposed Site Plan (drawing no. SMP19416_M001) (Issue: A), 260 Proposed Elevation (drawing no. SMP19416_M001) (Issue: A), 303 Proposed Antenna Schedule & Line Configuration (drawing no. SMP19416_M001) (Issue: A), 305 Equipment Schedule & Support Structure Details (drawing no. SMP19416_M001) (Issue: A).

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 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.

4. Differing to the description of development in the banner header above, the Council's decision notice accurately describes the development as shown on the supporting plans as, "Installation of telecommunications equipment including 15m high monopole, equipment cabinets and ancillary works to facilitate 5G network". I have used this description in my consideration of the appeal and in my decision since it best describes the proposed development in precise and concise terms.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

6. The appeal site is a grass verge adjacent to the footway on Ellwood Avenue, in Bitterne, which is a residential area. As the site is situated part-way up Ellwood Avenue, close to clusters of residential properties, and away from the junctions with Hinkler Road and Marston Road, in my view the site does not occupy a particularly prominent position in the street scene.
7. The proposed 15 metre high telecommunications monopole with a bulbous antenna would be seen in the context of the numerous blocks of flats situated on the appeal site's side of the road, including the 5-storey block of flats situated to the immediate south-west of the site. Additionally, the lines of telegraph poles and streetlight columns along Ellwood Avenue, whilst generally being less bulky than the proposed monopole, would assist in its assimilation into the street scene by virtue of their vertical emphasis and their near-continuous spread along nearby parts of Ellwood Avenue.
8. Similarly, although the screening effect offered by the nearby trees would be reduced during winter months, due to the considerable number of large mature trees in the vicinity of the site, their presence during all times of the year would serve to appreciably reduce the visual impact of the proposal in the street scene, taking account of the relative height of the proposed monopole compared to these nearby trees.
9. As such, as well as acceptably integrating into the street scene when seen from short and medium-distance range views, considering the combination of the tall blocks of flats, the large mature trees, and the nearby streetlights, all situated in close proximity to the site, the proposed monopole would acceptably assimilate into the street scene when seen from longer range views.
10. Although the proposal would result in the loss of a green and open space in a residential area, long stretches of similar spaces would remain along Ellwood Avenue, meaning that its reducing effect in this regard would be minimal and it would not appreciably add to visual clutter, even taking account of the associated equipment cabinets and area of hardstanding. The proposed monopole would be sufficiently off-set from direct views from the windows of habitable rooms of nearby properties such that its visual impact in this respect would be acceptable.
11. I therefore find that the siting and appearance of the proposed installation would have an acceptable 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 comply with their collective aims that, amongst other things, development should respond positively and integrate with its local surroundings.

Conditions

12. 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 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.
13. Consequently, I have not imposed the Council's suggested conditions relating to the external colour treatment of proposal and the removal of equipment. In any event, I consider that the galvanised finish for the mast and the grey colour for the associated equipment would ensure that the proposal would adequately integrate with the surrounding street furniture and buildings in visual terms. The requirements of the Order, as mentioned above, would provide adequate safeguards with respect to the removal of equipment.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Alexander O'Doherty

INSPECTOR