



Appeal Decision

Site visit made on 14 February 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/T2405/W/22/3309661

Area of Grass Verge, Little Glen Road, Glen Parva, Blaby, Leicester LE2 9TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Blaby District Council.
 - The application Ref 22/0698/TEL, dated 7 July 2022, was refused by notice dated 1 September 2022.
 - The development proposed is 5G telecoms installation: 15m street pole and 3 additional ancillary equipment cabinets and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address in the header is taken from the appeal form. It more accurately describes the location of the site than that on the application form, although I have used the post code from the address originally provided.
3. The appellant claims the proposed equipment cabinets could be provided under permitted development rights without the need to apply for prior approval. Even so, they are included in the description of development and are shown on the appeal plans. Therefore, I have taken them into account in my assessment.
4. In light of the provisions of Schedule 2, Part 16, Class A of the GPDO, I have assessed the development solely on the basis of its siting and appearance. The provisions do not require consideration of the development plan. However, the policies of the Blaby District Local Plan (Core Strategy) Document 2013 (the CS) and the Blaby District Local Plan (Delivery) Document 2019 (the LPD) are material considerations insofar as they relate to issues of siting and design. Also, I have had regard to the relevant parts of the National Planning Policy Framework (the Framework).

Main Issues

5. The main issues are the effect of the siting and appearance of the proposal on (i) the living conditions of occupiers of 1 Bayswater Drive (No 1) in terms of outlook, and (ii) the character and appearance of the area, having regards to its effects on the setting and significance of the Grand Union Canal Conservation Area (the CA).

Reasons

Living conditions of occupiers of No 1

6. The proposed development would be positioned on a wide grass verge between Little Glen Road and the side boundary to No 1. The proposed street pole would be more than double the height of the house and it would be fairly close to the boundary. As such, it would be clearly seen over the wall from the back garden and through the side windows in a rear conservatory. From these vantage points, the pole would have a detrimental overbearing effect by reason of its proximity and height. The development would not affect the outlook from the main windows in the front and rear of the property. Nonetheless, it would have a significant imposing effect on users of the back garden and the conservatory.
7. For these reasons, I conclude the siting and appearance of the development would unacceptably harm the living conditions of No 1's occupants in terms of outlook. In these regards, it would not accord with CS policy CS2 and LPD policy DM1 insofar as these are determinative on the issue.

Character and appearance

8. The area immediately surrounding the site is residential with houses tending to be 2 storeys high. The street scene also includes lampposts and telegraph poles. There are also trees on the back of the grass verge near to the boundary with dwellings and on the opposite side of the road leading up to a road bridge over the Grand Union Canal. The roadside open spaces and mature vegetation help create a pleasant suburban feel to the locality.
9. The development would be well forward of the trees to the back of the verge and so it would be in an exposed location within the street scene. By virtue of its position and height, the street pole would be visible from a distance to the east along Little Glen Road, as well as from the bridge across the canal. Also, it would be seen from Nowell Close on the opposite side of the road. As such, the pole would have an obvious visual effect on the locality.
10. The local area already includes vertical roadside structures in terms of the lampposts and telegraph poles. However, these tend to be narrow and of a similar height to the nearby buildings. The proposed street pole would be noticeably wider and bulkier than the lampposts. Also, it would be markedly taller than the existing street furniture, nearby houses and trees. In light of its exposed location and its scale, the street pole would stand out as an unusually prominent feature. It would be visually imposing and it would fail to respect the relatively low level suburban context. The use of a green finish would not camouflaged the pole nor would it address the dominant effect.
11. The appellant claims the pole is the lowest it can be to provide the required signal coverage. Also, I appreciate that similar poles are often seen alongside streets in urban areas. However, such factors fail to address or override the particular harm that would be caused by the street pole by reason of its stark incongruity.
12. The proposed cabinets would be low key and so they would avoid any detriment to the visual qualities of the locality. However, for the above reasons I conclude the siting and appearance of the proposed development when considered as a whole would cause harm to the character and appearance of

the area. In these respects, it would not accord with CS policy CS2 and LPD policy DM1, insofar as these are determinative on the issue.

Setting and significance of the CA

13. The CA is focused on the nearby canal but it includes a stretch of Little Glen Road that roughly corresponds with the extent of the bridge. No assessment that identifies the heritage interest of the CA has been provided by the appellant. However, from the information submitted by the Council and my observations it is evident that the CA's significance derives from the canal's importance as a historic main transport route as well as from the visual attractiveness of the waterway and towpath. Also, the bridge over the canal has an obvious age and aesthetic interest that is best appreciated from the canal.
14. The proposed development would be just outside the CA boundary but it would be near to the arm of the CA that runs along Little Glen Road. By reason of its proximity and height, it would influence views from and into the CA and so in these respects the proposal would affect its setting.
15. However, despite the height of the pole, views of the proposed development from the canal and towpath itself would be limited due to the relative levels and intervening vegetation and buildings. Also, the proposal would not be seen in the most important views of the bridge from the canal, although it would be seen from on top of the bridge when looking eastwards along the road.
16. In the absence of any meaningful visual impact upon the most attractive and historically interesting elements of the canal, I conclude that the proposal's effect on the setting of the CA would not lead to any harm to its significance, character or appearance. In these respects, the development would accord with CS policy CS20 insofar as this is relevant to the determination of the appeal. Acceptability in these regards is a neutral factor in my overall assessment.

Other Matters

17. The proposed development would provide improved signal coverage and a new 5G network service to an area where there are currently deficiencies. The Framework states that for a new mast, evidence should be provided to show how the possibility of erecting antennas on an existing building or structure has been explored. The appellant has identified 6 other sites within a defined search zone that have all been discounted, mainly due to the proximity of residential properties or narrow pavements. However, none of the considered alternatives are existing buildings or structures.
18. The Council has highlighted a nearby former BT telephone exchange building as a potential site for the telecommunications equipment. This is an unusual building for the area as it has a flat roof and so seemingly it could accommodate antennas. Moreover, it is taller than the surrounding residences and it is within the defined search area. There is no evidence to show the appellant has approached the owners regarding the installation of equipment on the roof. As such, I consider the telephone exchange is a potential site for the equipment that has not been properly explored by the appellant. Therefore, I attach little weight to the contention that the appeal site provides the only feasible option for the development.

19. The enhanced signal coverage provided by the proposal would bring economic and social benefits to local residents and businesses. The Framework recognises the benefits of telecommunications development and indicates that planning decisions should support the expansion of networks. However, the relevant provisions of the GPDO indicate that only matters of siting and appearance should be considered. The benefits of the scheme are not factors to take into account as these are already recognised through permitted development rights. In any event, the advantages of the proposal and other arguments advanced in support of the scheme do not outweigh the harm I have identified.

Conclusion

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

Jonathan Edwards

INSPECTOR