



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/22/3306819

Elm Tree Avenue, Glenfields, Blaby, Leicestershire LE3 8TJ

- 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 22/0592/TEL, dated 9 June 2022, was refused by notice dated 2 August 2022.
 - The development proposed is 5G telecoms installation: 17m high 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. In light of the provisions of Schedule 2, Part 16, Class A of the GPDO, I have assessed the proposed 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 of 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 Issue

3. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area.

Reasons

4. The development would be positioned on a strip of land including small trees and plants between the Elm Tree Avenue pavement and a car park. The area is residential apart from a short run of shops behind the site. Most local houses are 2 storeys high although buildings behind the site and on Underwood Court have 3 storeys. A small group of mature trees and a belt of overgrown land is on the opposite side of the road to the site. The street scene also includes lampposts at fairly regular intervals along Elm Tree Avenue and Somerset Drive. The site is not in a conservation area but nevertheless mature vegetation and open spaces alongside the road help create a pleasant suburban feel to the locality.

5. The appellant claims the proposed pole is the lowest it can be in order to provide the required signal coverage. Even so, it would be markedly taller and noticeably wider than the lampposts in the vicinity. Moreover, it would be higher than the nearby 2 storey and 3 storey buildings as well as the mature trees on the opposite side of the street. The height of the pole would be further emphasised by its position on the top of a rise in Elm Tree Avenue. Also, it would be close to the road and away from buildings and mature vegetation. As such, even in views where buildings or trees would provide a back drop, the upper element of the pole would be seen against the sky.
6. Through a combination of these factors, the pole would stand out as an unusually prominent feature, even when taking into account the nearby lampposts, buildings and trees. Its scale and visually imposing appearance would fail to respect the relatively low level suburban context. The use of a grey finish would not overcome the harm to the visual qualities of the street scene by reason of the pole's overtly dominant appearance.
7. The proposed cabinets would fit in with the area as they would be low key and similar in appearance to existing cabinets on the opposite side of the road. Also, the development as a whole would not result in the loss of any significant planting. The acceptability of the scheme in these regards does not outweigh nor address the detriment caused by the incongruity of the pole.
8. For these reasons, I conclude the siting and appearance of the proposed development 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.

Other Matters

9. The proposed development would provide improved signal coverage and a new 5G network service to a densely populated area. Neither the appellant nor the Council suggest it is possible for the proposed telecommunications equipment to be installed on an existing building or structure. Given the low level, residential nature of properties in the area, I find no reason to disagree with the main parties on this point. Therefore, I am satisfied that a new mast is necessary to secure the coverage improvements.
10. As well as the appeal site, the appellant has considered 6 alternative sites, which all lie in Foresters Close and Bowmans Way. These are residential streets with narrow pavements and so they are deemed inappropriate for the proposed development. The Council does not dispute the reasons for discounting these alternatives.
11. However, the Council suggests the proposal could be provided on the opposite side of Elm Tree Avenue. In such a location it would not be as prominent as the appeal scheme due to the screening effects of nearby mature trees. The installation of the development on this land may require the removal of overgrown planting but there is little evidence to show that this would harm features of biodiversity interest. Also, a development on the opposite side of Elm Tree Avenue could be provided on the grass area off the pavement and so I am not persuaded that it would hinder pedestrian movement. From the evidence and my observations, it would seem the land on the opposite side of the road provides a potential alternative to the appeal site.

12. Moreover, there are roadside open spaces along Elm Tree Avenue which would be as close if not closer to the identified search area compared to the appeal site. Also, there is a park area to the rear of properties on Foresters Close and Bowmans Way where there is ample space for the proposed development. No explanation has been provided as to why such sites have not been considered and there is no obvious reason why they should be discounted. As such, I am unconvinced that the appeal site represents the only feasible location for the proposal. Accordingly, the appellant's contentions in these regards attract little weight in my assessment.
13. The enhanced signal coverage provided by the development 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 in respect of the main issue.

Conclusion

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

Jonathan Edwards

INSPECTOR