



Appeal Decision

Site visit made on 7 February 2023

by Philip Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2023

Appeal Ref: APP/R3515/W/22/3294971

Woodbridge Road, California, Ipswich IP4 5PA

- 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 Hutchinson Networks (UK) Ltd against the decision of Ipswich Borough Council.
 - The application Ref IP/21/00895/TPD, dated 8 August 2021, was refused by notice dated 5 October 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 Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) 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. Since the appeal was lodged, the Council has adopted the Ipswich Core Strategy and Policies Development Plan Documents review in March 2022 (ICSPR) which supersedes the Ipswich Core Strategy and Policies Development Plan Document (2017) (ICSP). As such, policy DM5 of the ICSP has been superseded by DM12 of the IPCSR and new policy DM34 introduced relating to digital communication networks to which the appellant has been provided an opportunity to comment.
4. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. As a result, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, policies DM12 and DM34 of the ICSPR are material considerations as they relate to issues of siting and appearance. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and this includes a section on supporting high quality communications.

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 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

6. The appeal proposal would be located at the junction of Woodbridge Road and Spring Road. The area has a mixed character and includes a number of two storey dwellings interspersed with a range of commercial and service uses. The proposal would be sited within the public footpath adjacent to the car park of the nearby Lattice Barn Public House. The footpath at the point of the appeal proposal is relatively wide and narrows to the east of the site where there are a number of existing telecommunications cabinets present.
7. The area around the proposed monopole has a relatively open character due to its siting adjacent the car park of the Public House, the apex of a mini-roundabout junction and the residential properties opposite the site being more set back on their plots. This is in contrast to other nearby properties on the corner of Woodbridge Road and Spring Road which are sited closer to the footpath. As such, the proposal would be sited in a more open and prominent position within the street scene resulting in it being highly visible to passing pedestrians and vehicles.
8. The proposal would be sited close to an existing streetlight within the footpath where there are no other tall vertical structures in the immediate vicinity other than a chimney located within the grounds of the Ipswich Hospital a considerable distance away from the appeal site. The height of the proposed development would be significantly in excess of the nearby streetlight and telegraph poles increasing its visual prominence. Furthermore, there is no intervening screening that would reduce its prominence from pedestrians and passing vehicles.
9. The proposed monopole includes an antenna at the top which would have an increased diameter than the rest of the monopole. As a result, it would appear significantly bulkier than the nearby streetlight and telegraph poles. The height of the monopole combined with the monopole's increased diameter and bulky antenna would result in a significantly intrusive feature in the street scene than the nearby streetlight. As a result, it would dominate the surrounding buildings and result in harm to the appearance of the area. This would fail to accord with the provisions of policy DM12 which seeks that proposals ensure good public realm design that enhances the streetscape and policy DM34 of the IPCSR which seeks to ensure proposals for the expansion of electronic communications networks do not harm the appearance of the street scene.
10. Paragraph 115 of the Framework encourages the use of existing masts, buildings and other structures, stating where new sites are required, such as for new 5G networks, equipment should be sympathetically designed and camouflaged where appropriate. The appellant has indicated that the proposal could not be sited elsewhere due to the need to provide additional communication coverage in this area and a number of alternative sites have been discounted. The appellant has indicated that the sharing of a mast with other communications equipment would not be possible due to the need to

provide coverage in this specific area and that mast sharing would result in greater harm than the proposed monopole due to the additional bulk. However, there is no evidence before me of where mast sharing was considered or why this would be more bulky than the appeal proposal.

Other matters

11. Reference has been made by the appellant to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance as they would form part of the principle of the development being established by the GPDO.
12. 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.

Planning balance

13. Paragraph 114 of the Framework states that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being. Paragraph 114 goes on to state that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).
14. I have found that the proposal would result in harm to the character and appearance of the area due to its bulk and prominence resulting in an intrusive feature in the street scene. The proposal would also fail to accord with the policies of the development plan insofar as they relate to the appearance of development.
15. The appeal proposal would address the need for additional communications apparatus in the area. However, I conclude the harm arising from the proposal's siting and appearance outweighs the need for it to be located as proposed.

Conclusion

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

Philip Mileham

INSPECTOR