



Appeal Decision

Site visit made on 19 January 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2023

Appeal Ref: APP/D4635/W/22/3299753

Hampton Road Streetworks, Hampton Road, Oxley, Wolverhampton WV10 6UX

- 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 Wolverhampton City Council.
 - The application Ref 22/00034/TEL, dated 13 January 2022, was refused by notice dated 28 January 2022.
 - The development proposed is the installation of an 18 metre high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto.
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Decision

1. The appeal is dismissed.

Procedural 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 do not require regard be had to the development plan. Consequently, I have taken into account the policies of the development plan and the National Planning Policy Framework (the Framework) as material considerations but only insofar as the policies relate 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 the living conditions of the occupants of nearby houses, with particular regard to outlook, 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's location on an area of open grass is relatively exposed being set close to the junction between Hampton Road and Probert Road. The grassed area creates a sense of space in a relatively dense residential area. Houses in the locality appear to have been constructed at a similar time, to a similar typology. These are predominantly two storey dwellings set behind modest front driveways and gardens. The appeal site is opposite a three storey building containing retail premises at ground floor level. The building and its retail uses are a focal point in the locality in an otherwise residential area. Lampposts and street trees, including one tree on the appeal site, are modest in scale. With the exception of some trees in rear gardens, there is an absence of tall vegetation in the vicinity of the site.
6. Given the height of the mast relative to surrounding buildings it would be a prominent addition in the street scene on Hampton Road, even taking into account the three storey building. In addition, on approach from the east on Probert Road it would be viewed against a backdrop of two storey dwellings. From there the proposed mast would appear entirely at odds with their modest domestic scale. Furthermore, the mast would appear considerably wider than lampposts and telegraph poles in the vicinity. Combined with a number of proposed cabinets, the proposal would increase the street clutter visible for pedestrians and road users.
7. It would also have an enclosing effect on the grassed area, considerably reducing the pleasant sense of openness there. Although the site is not within a Conservation Area, there is a local distinctiveness here which in my view is important to protect appropriately. Consequently, the proposal would appear as a conspicuous and intrusive feature in the street scene.

Living conditions

8. The appeal site is in front of two adjoining corner plot houses. However, views of the mast from those houses would be oblique due to the proposed siting of the mast close to Hampton Road, rather than centrally within the grassed area. Furthermore, visibility of the cabinets from those houses is likely to be obscured to a certain extent by the intervening boundary hedge. The orientation of the proposed cabinets parallel with Hampton Road would limit their bulk in views from the closest houses on Probert Road (such as No 83 and adjacent houses). From there the cabinets would be viewed approximately end on. The mast and cabinets would also be separated from houses on Probert Road by the road and pavements on both sides. The mast would be visible from residential accommodation above the ground floor retail units. However, given its vertical nature, it would occupy only a small portion of views from habitable room windows.
9. Accordingly, whilst the proposal would be visible from a number of properties, and notwithstanding my findings with respect to its harmful effect on the character and appearance of the area, it would not unacceptably harm the living conditions of the occupants of nearby houses with particular regard to outlook.

Suitable alternatives

10. Given the harm I have identified, potentially suitable alternatives must be robustly explored to determine the likelihood of there being less harmful alternatives to the appeal scheme. The appellant considered a number of other sites and has given valid reasons for discounting each of those. However, at prior approval application stage, a number of comments by local residents questioned whether land on Blaydon Road could provide a less visually intrusive alternative location for the proposal. Although houses back on to that road it is less of a focal point and has more of a linear feel, with mature trees lining sections of the road.
11. I accept that siting a mast too far from the target area could render the mast unviable or require additional masts to cover the entirety of the area. However, a sizeable section of Blaydon Road would be only slightly outside the target area. Therefore, it might reasonably provide improved network coverage for a good proportion of the target area. Furthermore, from the appellant's plan showing the intended target area relative to other existing masts, it does not appear to be particularly close to others. Consequently, in the absence of robust evidence to the contrary, it appears that Blaydon Road might reasonably provide a suitable and less harmful location than the appeal site.
12. Therefore, I conclude that the harm from the siting and appearance of the proposed installation on the character and appearance of the area would not be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.
13. Insofar as they are a material consideration, the proposal would be contrary to Policies ENV3 and CSP4 of the Black Country Core Strategy (February 2011) and Policies D6, D7 and D9 of the Wolverhampton Unitary Development Plan 2011-2011 (2006) (UDP) which generally seek to ensure proposals achieve high quality design that responds to the identity and characteristics of each place. It would also be contrary to Policy EP20 of the UDP, which supports telecommunications proposals that minimise visual impact and demonstrate that no suitable, less harmful alternatives are available. It would similarly be contrary to the aims of the Council's Interim Telecommunications Policy (2002), including for proposals to minimise visual impact and provide sufficient evidence on the absence of less harmful alternatives.

Other Matters

14. I note the Government's support for expansion of electronic communications networks. However such equipment should also be sympathetically designed. Reference has been made to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

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

Rachel Hall

INSPECTOR