



Appeal Decision

Site visit made on 14 February 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/M2840/W/22/3306552

Gillitts Road street works, Gillitts Road, Wellingborough NN8 2BD

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of North Northamptonshire Council.
 - The application Ref NW/22/00412/PNT, dated 10 June 2022, was refused by notice dated 27 July 2022.
 - The development proposed is 5G telecoms installation: H3G street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As this is an application for prior approval the provisions of the 2015 Order 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. This appeal will be determined on the same basis.

Planning Policy

3. The Council has referred to development plan policies and the Framework in its decision notice. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless had regard to these development plan policies but only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposal 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

Character and appearance

5. The appeal site is an area of grass verge which contains various items of street furniture. The site is located at the southern end of Gillitts Road close to the

junction with Henshaw Road. The surrounding area is predominantly residential and is characterised by single and 2 storey properties. To the south of the site is a car park and Croyland Park, a large area of open space. This, in addition to planting within front gardens and grass verges, results in a green and verdant character to the surrounding area.

6. The appellant states that the height of the proposed monopole is the minimum to technically meet their needs. Whilst this may be the case, nonetheless it would be noticeably taller than existing street furniture and neighbouring buildings, and nearby trees would not provide any meaningful screening. Thus, even though the proposed colour would not be overly obtrusive, and there would be no harm to any areas with a statutory designation for a particular protection such as for heritage purposes, it would be readily visible from various points along Gillitts Road, Henshaw Road and from Croyland Park, where it would appear excessive in scale and would fail to visually integrate with its surroundings
7. For the above reasons, the proposed siting and appearance of the development would result in unacceptable harm to the character and appearance of the surrounding area. Insofar as it is a material consideration, the proposal would conflict with those aims of policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (JCS) which seek to ensure that development responds to the site's immediate and wider context and local character. For similar reasons, insofar as it is a material consideration, the proposal would be contrary to Chapter 12 of the National Planning Policy Framework (the Framework) which seeks to secure high quality design.

Availability of Alternative Locations

8. The appellant has set out alternative sites that were considered as part of the site selection process, and the reasons why they were not pursued. The Council raises concerns that not all available alternative options have been considered and state that alternative sites close to the appeal site would have a less harmful effect on the character and appearance of the area. Specifically, the Council refer to a site on the car park to the south of the appeal site. Wellingborough Town Council also suggest, as part of their consultation response, that an alternative to the south of the site would be more appropriate. Whilst I do not have the full details of the sites referred to by the Council and Wellingborough Town Council, based on my observations on site, they would appear to relate to the same alternative site.
9. No evidence has been submitted which sets out why, in this case, the suggested site is not a suitable alternative. Based on my observations, I noted that this area contains a number of tall trees which could provide some screening. For this reason, this area warrants a robust assessment as an alternative. Thus, it has not been adequately evidenced that the appellant has undertaken a thorough review of all alternative means of providing coverage within the search area in accordance with the guidance set down in paragraph 117 of the Framework.

Other Matters

10. The appellant comments that the proposal followed pre-application consultation with the Council and notification of ward members. However, this does not otherwise persuade me from my findings in relation to the main issue.

11. I note that the Council found that the mast would not harm the living conditions of the occupiers of neighbouring properties. This does not alter my findings on the main issue.

Planning balance and conclusion

12. I acknowledge the significant benefits that would arise from improving mobile telecommunications. However, it has not been demonstrated that such benefits could not be achieved in ways that would have a less harmful effect on the character and appearance of the area.
13. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Nichola Robinson

INSPECTOR