



Appeal Decision

Site visit made on 20 March 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

Appeal Ref: APP/U4610/W/22/3310326

Marlborough Road Street Works, Marlborough Road, Coventry CV2 4ER

- 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 Coventry City Council.
 - The application Ref TELO/2022/1629, dated 18 June 2022, was refused by notice dated 18 August 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.

Preliminary Matters

2. In light of the provisions of Schedule 2, Part 16, Class A of the GPDO, I have assessed the development solely based on its siting and appearance. The provisions do not require consideration of the development plan. However, the policies of the Coventry City Council Local Plan 2017 (LP) are material factors 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

3. The main issues are the effect of the siting and appearance of the proposed development on (i) the character and appearance of the area, and (ii) the living conditions of occupiers of nearby residences in terms of outlook.

Reasons

Character and appearance

4. The proposed development would be located on an area of pavement that stretches across the width of Marlborough Road at its junction with Walsgrave Road. The site lies in an urban area with 2 storey high terraced housing on Marlborough Road and shops and commercial properties on Walsgrave Road. Lampposts and telegraph poles lie on Marlborough Road whilst taller street lighting columns run along Walsgrave Road.
5. The proposed pole would be 15m tall and so it would be significantly higher than the nearby dwellings, lampposts and telegraph poles on Marlborough Road. Its height would be emphasised by virtue of its position on the highest

part of Marlborough Road, which slopes up towards the site. As such, the pole would stand out against the sky at an obvious location at the end of the road. Also, there are no trees or other features that would block views of the column and it would be visible from a significant distance away as Marlborough Road is fairly straight. By reason of its height and visibility, the pole would be a prominent and dominant feature that would be markedly at odds with the comparatively low-level buildings and structures on Marlborough Road.

6. The column would be clearly visible from the nearby pavement on Walsgrave Road and its height would make it appear imposing from these vantage points. The development would be set back from the Walsgrave Road carriageway so that buildings would obstruct sight of the lower part of the pole in medium and long distance views. Nonetheless, the upper element containing the antennas would be seen protruding above nearby buildings from various parts of Walsgrave Road to the east and west. The pole would be taller and bulkier than the existing lighting columns and so it would be incongruous to the Walsgrave Road street scene.
7. The development would be of a functional appearance, typical of telecommunications apparatus found by roads in urban areas. Also, the site is not in a conservation area. However, the proposed pole would be a particularly prominent feature in a busy area. By virtue of its height and design it would contrast starkly with the surrounding built context and so it would be unsympathetic to the locality. The use of a black colour finish would not address this incongruity.
8. The proposed cabinets would be low-key and similar to other nearby features. However, for the above reasons, I conclude the siting and appearance of the proposed development when considered as a whole would be detrimental to the character and appearance of the area. In these respects, it would not accord with LP policies C2 and DE1, insofar as these are determinative on the issue.

Living conditions

9. The Council raises concerns that the proposed pole would be conspicuous from adjacent dwellings. However, it is unclear which residences the Council claims would be affected. The development would be near to the side elevation of a building which has a food outlet at ground floor. First floor windows in the flank elevation would provide views of the proposed column but it is not obvious that these serve a residence. In any event, from these elevated viewpoints the pole would not appear so overbearing to cause unacceptable harm to living conditions.
10. Other nearby premises on Walsgrave Road have first floor windows which may serve flats above shops. The pole would be visible from these windows but it would be a sufficient distance away to avoid a significant overbearing effect. Also, the development would be set away from the nearest houses on Marlborough Road and would only be viewable at an angle from front windows. The main views out from these houses would be unaffected by the proposal.
11. Therefore, I conclude the siting and appearance of the development would not harm the living conditions of nearby residents in terms of outlook. In these regards, the proposal would accord with LP policies C2 and DE1 insofar as these are relevant. This is a neutral factor in my assessment.

Other Matters

12. Interested parties have raised concerns about potential effects on health. The appellant has provided a certificate to confirm that the proposal would comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The interested parties are critical of the ICNIRP certification process and suggest that there is limited knowledge on the effects of telecommunication masts on health. However, the Framework advises against the setting of health safeguards different to the ICNIRP guidelines. 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 is justified.
13. The Framework states that for a new mast, evidence should be provided which shows the possibility of erecting antennas on an existing building or structure has been explored. The appellant explains that the proposal would provide improved signal coverage to serve the surrounding area and so the search zone for alternative sites is restricted. Also, it is stated that a desktop survey and physical inspection of the area identified no opportunities for the proposed equipment to be provided on existing buildings.
14. However, several buildings in the search area have extensive flat roof areas where it would seem telecommunication equipment could be provided. In particular, there are flat roof buildings at the junction of Walsgrave Road with Clay Lane and Brays Lane, one of which I saw already accommodates rooftop antennas. No explanation has been provided as to why the proposed antennas could not be positioned on these buildings.
15. The appellant has provided evidence of several other sites for new masts that have been considered and discounted. The Council does not dispute that such sites would be unsuitable for the proposed development. Nevertheless, there is no convincing evidence that shows development on existing local buildings would be incapable of providing the required signal coverage. As such, I am not persuaded by the appellant's claim that the appeal scheme represents the only feasible option to improve telecommunication services in the area.
16. The enhanced signal coverage provided by the development would bring economic and social benefits to 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 consider 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 character and appearance of the area.

Conclusion

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

Jonathan Edwards

INSPECTOR