



Appeal Decision

Site visit made on 20 March 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/A2335/W/22/3312158

**Bank Top, Wyresdale Road, Lancaster, Lancashire LA1 3JQ
(348923, 460956)**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior 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 MBNL (EE UK Ltd and H3G UK Ltd) against the decision of Lancaster City Council.
 - The application Ref 22/00444/PAM, dated 4 April 2022, was refused by notice dated 31 May 2022.
 - The development proposed is the installation of a 25 metre monopole telecommunications mast to support 6no. apertures, 4no. dishes, and ancillary ground level equipment hitherto. Proposals are to be installed within a compound secured with 2.4m high palisade fencing.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address appearing in the banner heading above is taken from the planning application form. However, the Council's Decision Notice describes the site as the car park at Farm Gate Vets, Lancaster Auction Mart, Wyresdale Road, Lancaster, Lancashire LA1 3JQ. The appellant uses a similarly revised description and grid reference (348803, 460878) on the appeal form. I have relied on these revised addresses and the relevant plans as a more accurate representation of the site's location.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 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.
4. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have only had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the locality and the Williamson Park Conservation Area.

Reasons

6. The site lies close to a utility building at the southern end of a car park terrace associated with a commercial area bordered by Wyresdale Road to the north and Coulston Road to the west. The surfaced area lies close to the bottom of a grassed bank which drops from the higher level of Coulston Road. The linear bank incorporates a line of trees that, along with trees bordering an open field to the south of the car park, Williamson Park to the north, and about residential and educational development to the west, provide a verdant character to the area.
7. The proposal seeks the installation of a new 25m monopole base station with associated cabinetry and compound fencing. The mast, with galvanised steel finish, would support an open headframe with various antennas, dishes and other equipment attached.
8. In views along Coulston Road, a primarily residential street close to the eastern fringe of the settlement area, the lower siting of the compound and filtering effect of the trees behind the roadside railings would limit the visual impacts of the mast pole and ground infrastructure. However, the substantial visual weight of the large diameter headframe and supported equipment would, by virtue of the requirement to clear the majority of the nearby tree canopies, appear visually top-heavy and cumbersome.
9. Against the natural appearance of the trees, the scale and utilitarian appearance of the headset above the canopies would stand out as a starkly contrasting feature. Despite the screening of the lower part of the more slender supporting pole, this would draw the eye in views from local residential roads and the approach along Wyresdale Road to the east. The local impact would be greater when the nearby trees were not in leaf.
10. The effect would be particularly apparent in longer views from the east; the headset would protrude above the tree line which forms part of a green edge to the main built-up area of the settlement. Although it would be sited on the edge of an area of commercial development, it would stand much higher due to the local topography. It would be visually associated with the more limited scale of development on Coulston Road. In those views, the incongruous appearance of the projecting section of the mast would give rise to significant harm to the character and appearance of the area.
11. The Framework and s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to have special regard to the desirability of preserving or enhancing the character or appearance of heritage assets. The site lies a short distance from the southern extent of the Williamson Park Conservation Area (the CA). In the locality this is characterised by extensive tree cover on the slopes leading up to the Ashton Memorial. In the longer views, the trees extending southwards from the CA contribute to the Area's silvan setting.

12. The incursion arising from the scale and height of the headset above the tree line would be prominent. Against the continuity of the natural skyline formed by the tree canopies within, and leading away from the CA, I find it would detract from the natural character and appearance of the southern and eastern parts of the CA and its setting.

Other Matters

13. In support of the proposal the appellant directs me to various social and economic benefits of the mast. It could support technology advancements and improvements, including those to transport, health and smart applications. It could be provided as a shared facility and include improved 5G and emergency services communications. The proposal would provide continuity in service provision once existing equipment has been removed from a building to be demolished; it could serve additional residential development anticipated in the locality, including an increasing demand for home working and other post-pandemic trends. These are public benefits of the proposal.

Planning Balance and Conclusion

14. I have found that the siting and appearance of the proposal would result in a significant adverse impact on the character and appearance of the locality. It would conflict with Policies DM29, DM46 and DM59 of the Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD [2020] (the LP2) as they seek development to be sited and designed to minimise impacts on visual amenity and contribute positively to the character of the area.
15. It would also detract from the character and appearance of the Williamson Park Conservation Area. It would conflict with Policy SP7 of the Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD [2020], Policies DM38 and DM39 of the LP2, and the Framework as they seek to improve and enhance the significance, character and appearance of heritage assets and their settings.
16. Whilst this harm would be no greater than less than substantial within the context of Paragraph 202 of the Framework, less than substantial harm does not equate to a less than substantial planning objection. The Framework advises that such harm should be weighed against the public benefits of the proposals.
17. Although I recognise the considerable benefits of the scheme and that alternative siting proposals have been discounted, I find that the adverse effects of the appearance of the development would not be outweighed in the particular circumstances of the case.
18. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR