



Appeal Decision

Site visit made on 8 March 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/Q1445/W/21/3287780

Portland Road, Aldrington, Hove BN3 5QY

- 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 Brighton & Hove City Council.
 - The application Ref BH2021/03284, dated 3 September 2021, was refused by notice dated 2 November 2021.
 - The development proposed is described as a proposed 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.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), 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.

Planning Policy

3. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, the National Planning Policy Framework (the Framework) is a material consideration as it relates to issues of siting and appearance. Similarly, the Framework includes a section on supporting high quality communications.

Main Issue

5. The main issue in this appeal is therefore the effect of the proposed development on the character and appearance of the area, including the Grade II listed building St Peter's RC Church, and if any harm is identified whether that harm would be outweighed by the need to site the installation in the location proposed.

Reasons

6. The appeal site forms part of the pavement which runs alongside Portland Road. The immediate area broadly comprises a mix of two and three storey buildings with predominantly ground floor commercial uses. Street furniture including streetlights and highway signage also feature in the local area.
7. The proposed development would include the erection of a monopole with associated cabinets. The proposed drawings show that the top of the monopole would measure 15 metres from ground level.
8. The appeal site lies close to a Grade II listed building, St Peters Roman Catholic Church. The Historic England official listing describes this building, amongst other things, as dating from 1912 of red brick laid in stretcher bond with slate and round roofs. It also features deep overhanging eaves, open pediments and an open loggia of Tuscan columns to the bell chamber. This church provides historic townscape value to the street scene.
9. While the mast would be of a slimline pole design, given its location, appearance and height, the proposed development would be prominent against its backdrop and the skyline, visually competing with and distracting from the area. It would be significantly taller than the streetlights, highway signage and adjacent buildings. There is also limited mature tree screening in the area. I find that the proposed development would fail to preserve or enhance the character or appearance of the area.
10. As indicated above the proposed development would have a highly visible appearance. It would be sited close to the listed church and given its location, appearance and height would also unacceptably harm the setting of this listed building. The appellant has suggested painting the development proposal a different colour; however, this would not overcome the harmful effects set out above.
11. The harm I have identified would be less than substantial and in terms of the approach set out in the Framework at paragraph 202, where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
12. Additionally, paragraph 199 of the Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 200 goes on to state that significance can be harmed or lost through development within its setting, and such harm should have clear and convincing justification.
13. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology.
14. The importance of digital connectivity is further underlined by the Future Telecoms Infrastructure Review 2018 and the Framework at paragraph 118 indicates that the need for electronic communication systems should not be questioned when determining applications.

15. I recognise the importance of good, fast, reliable, and cost-effective communications. Moreover, there is no question that the equipment is required to achieve the necessary standard of network coverage, or that the mast's dimensions would be the minimum possible. The proposal would also have potential to utilise a site to provide for future technologies with hypothetically could reduce the need for future installations in the area. However, the evidence in this regard is limited.
16. It is also apparent that the area is constrained in respect to residential properties, narrow pavements, underground services, vehicular junctions, trees, and other heritage assets. This would have some impact on site selection.
17. Weight has been attached to all these matters. I have also balanced the proposal against the public benefits that would ensue, and I fully appreciate the significance of the telecommunication industry in its role to grow the economy.
18. The evidence presented together with the justifications put forward by the appellant, have all been given due regard in my assessment. However, despite the evidence presented, heritage assets such as listed buildings are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
19. In addition, and notwithstanding that a sequential approach has been followed, and that alternative sites have been considered and discounted, including shared antennas or siting on existing buildings, the submitted evidence in this regard is limited. I am not satisfied that it adequately or conclusively demonstrates that a less harmful alternative site, which would secure the same public benefits, is not available.
20. To conclude on this main issue, I find the great weight I attach to the identified harm would not be outweighed by the weight I attach to the benefits of the proposal, including the need to site the installation in the location proposed having regard to the potential availability of alternative sites. Therefore, there is no clear and convincing justification for the harm.

Other Matters

21. While there was no response to the appellant's pre-application consultation, I have considered the appeal on its own merits and the evidence before me. I have also considered the other matters raised by interested parties. However, none of the other matters raised outweigh or alter my conclusion on the main issue. As I am dismissing the appeal for other reasons, I have not pursued these matters further.

Conclusion

22. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR