



Appeal Decision

Site visit made on 21 March 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2023

Appeal Ref: APP/U4610/W/22/3310872

Old Church Road, Little Heath, Coventry CV6 7ED

- 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 appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Coventry City Council.
 - The application Ref TELO/2022/2531, dated 12 September 2022, was refused by notice dated 14 October 2022.
 - The development proposed is a 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.

Preliminary Matters

2. 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.
3. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies C2 and DE1 of the Coventry City Council Local Plan (The CLP, December 2017) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure telecommunications installations are suitably sited and do not adversely affect character, appearance or amenity. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and includes a section on supporting high quality communications.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on (i) the character and appearance of the surrounding area and (ii) the living conditions of neighbouring occupiers, and, if any harm would occur,

(iii) 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

6. The appeal site is located on an area of grass between a wider, open green space and Old Church Road, opposite the junction with Proffitt Avenue. A public footpath through the green space forms a crossroad with the above-mentioned streets. During my observations on site, I noted streetlights along both roads and trees within the field. Although these present a sense of height, the area is largely open and relatively low.
7. The proposal would introduce a feature that is significantly taller than the surrounding street scene and would be prominent as a result of its siting at the crossroads. Moreover, the mast, given its utilitarian appearance and significant height, would not be sympathetic to, or sit well with, the surrounding residential development or vegetation. Therefore, pedestrians and motorists approaching the junction would see the mast as a prominent feature that would be intrusive in views even from a distance. Although the proposal would not be directly opposite any residential dwellings, it would nevertheless still be highly visible in the surrounding area as outlined above.
8. Given the above, the siting and appearance of the proposed mast would result in an unacceptable harm to the character and appearance of the surrounding area. I have been mindful of, and the proposal would conflict with, CLP Policies C2 and DE1 as well as Chapters 10 and 12 of the Framework. I have also been mindful of Paragraphs 114, 115 and 118 of the Framework in reaching this decision.

Living Conditions

9. I am mindful that there are residential properties surrounding, and in some cases near to, the appeal site. However, the proposed mast and cabinets are not sited directly in front of any windows and are some distance away from those windows which face towards the proposal. Moreover, the mast is a relatively narrow feature, and the associated cabinets are relatively low in height. The mast would not, therefore, harm the outlook from residential properties or be an overbearing or overshadowing feature to the detriment of any neighbouring occupiers' living conditions.
10. Consequently, and notwithstanding the harm identified above, I find that the proposal would not unacceptably harm the living conditions of neighbouring occupiers. To this degree the proposal would not conflict with CLP Policies C2 and DE1 or with Chapters 10 and 12 of the Framework.

Need for Proposed Siting

11. The appellant has submitted that the area surrounding the appeal site currently suffers from a poor level of signal. It is clear then, that there is some need identified for improved infrastructure. The appellant has also identified a number of alternative locations around the nominal point which were discounted.

12. Although there is an explanation for each discounted option, these are brief and the overall information on each is limited. Nevertheless, I find that the reasoning behind discounting options D3, D4, D5 and D7 are sufficient to demonstrate that these would either result in greater harm than the proposal before me or would be unsuitable for this development.
13. However, the explanations for the discounting of options D1, D2 and D6 have not been suitably justified. In particular although options D1 and D2 may be close to residential dwellings, it is not clear that the development would be as visually prominent or intrusive in these locations. Regarding option D6, the appellant states that the required coverage is "not likely to be reached", however, without certainty that this is the case, I cannot be confident that this option should be discounted. Consequently, I find that there are at least three alternatives which have the potential to result in less harm than the proposal before me and that it has not been demonstrated that the proposal must be sited at this location.
14. Consequently, I cannot be certain that the appeal site is less harmful than the alternatives or that they are not viable options. Therefore, and without sufficient evidence to demonstrate otherwise, the need for the proposal to be located at the appeal site does not outweigh the harm identified.

Other Matters

15. 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. Although the appellant has made reference to Paragraph 113 of the Framework, I find this to not be relevant to the matters upon which this case turns.

Conclusion

16. For the reasons given above, the appeal is dismissed.

Samuel Watson

INSPECTOR