



Appeal Decision

Site visit made on 2 May 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2023

Appeal Ref: APP/U4610/W/22/3312733

Torrington Avenue Street Works, Coventry CV4 9HL

Easting: 428316, Northing: 277899

- 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 Hutchison Networks (UK) Limited against the decision of Coventry City Council.
 - The application Ref TELO/2022/2549, dated 16 September 2022, was refused by notice dated 8 November 2022.
 - The development proposed is Proposed 5G 18m telecoms installation: H3G street pole and additional equipment cabinets.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the Proposed 5G 18m telecoms installation: H3G street pole and additional equipment cabinets at Torrington Avenue Street Works, Coventry CV4 9HL in accordance with the terms of the application ref TELO/2022/2549, dated 16 September 2022, and the plans submitted with it including: 002 Site Location plan, 215 Proposed Site Plan and 265 Proposed Site Elevation.

Preliminary Matters

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

Planning policy

3. The principle of development is established by the GPDO. Provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. However, I have had regard to the policies of the development plan and the National Planning Policy Framework (The Framework) only in so far as they are a material consideration relevant to matters of siting and appearance. As such, I have considered policies C2 and DE1 of the Coventry Local Plan 2016 and the Framework. These seek, among other matters, for telecommunication development to pay regard to the visual

amenity, character and appearance of the surrounding area and for development to respect and enhance its surroundings.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed mast on the character and appearance of the surrounding area.

Reasons

5. The Framework places importance on decisions that support the expansion of electronic communication networks. It states that new masts should be sympathetically designed. Such equipment should be consistent with the needs of consumers, the efficient operation of the network and provide reasonable capacity for future expansion.
6. Torrington Avenue is a wide carriageway consisting of both commercial and residential uses. The appeal site is part of a grass verge that separates the carriageway from a footway. Beyond the footway is an area of private amenity space, enclosed by a short trip rail fence, associated with a flatted development set within an open plan estate. This residential block is some distance from the site due to the size of the amenity space and the extent that the flats are recessed from Torrington Avenue. Furthermore, whilst office buildings are opposite the site, the nearest would be a substantial distance from the proposal, separated by the highway, a boundary hedge and its forecourt. As such, due to its surrounding context, the proposal would have no material effect on the outlook of residents or office staff in the area.
7. The mast would be visible in distant views from road users travelling east and west along Torrington Avenue and when approaching the site from Nickson Road. These views would include streetlights, a telegraph pole, a bus shelter and other street furniture. The highway is also characterised by a line of street trees when approaching the site from the west. The trees would feature in views from the east as a backdrop, and views from the west as foreground screening, and would therefore diffuse some views of the mast. Furthermore, when approaching the site from Nickson Road, the proposed mast and cabinets would be seen within the group of existing street furniture with commercial buildings beyond forming a backdrop.
8. Accordingly, whilst adjacent to an open area, the slim monopole mast and its antennas, would integrate well with the existing street character and the adjacent commercial setting. It would therefore not attract particular attention or be especially prominent in the streetscene. As such, the proposal would largely blend into the local streetscape. The ancillary equipment cabinets would be seen within the same visual context as the adjacent trees and nearby street furniture. These would be painted light grey, thereby limiting their prominence within the streetscene.
9. The proposed mast would be a relatively discrete feature within its setting, among other roadside street features. As a result, the proposed siting and appearance of the proposal would complement the character and appearance of the surrounding area.

Other matters

10. Interested parties have objected to the proposal, and I have taken these submissions into account. Several objections relate to matters of siting and appearance, which I have considered above. I have also had regard to the comments made in the representations including issues such as health matters. However, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection guidance. Given this, government guidance is clear that decision makers should not set additional health safeguards and as such any concerns in this respect are not a reason to withhold planning permission.

Conditions and conclusion

11. Any planning permission granted for the mast under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These specify that the development must be carried out in accordance with the details submitted with the application (unless otherwise agreed in writing by the Local Planning Authority), must begin not later than the expiration of five years beginning with the date on which the local planning authority received the application and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its former condition.
12. For the reasons set out above, I conclude that the proposed siting and appearance of the proposed mast and cabinets would complement the character and appearance of the area. I therefore conclude that the appeal should be allowed, and prior approval granted.

Ben Plenty

INSPECTOR