



Appeal Decision

Site visit made on 25 April 2023

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 11th May 2023

Appeal Ref: APP/M2840/W/22/3310294

Area of existing grass verge located off Station Road, close to the junction with Nightingale Way, Rushden NN10 8NN

- 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) (GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of North Northamptonshire Council.
 - The application Ref NE/22/00753/PNT, dated 9 June 2022, was refused by notice dated 23 August 2022.
 - The development proposed is installation of a 15m high 'slim line' phase 9 monopole, 3no. ancillary equipment cabinets and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the application form and appeal form do not clearly describe the proposal, I have taken the description of development in the header above from the decision notice. I have used the address from the application form in the interests of certainty.
3. The main parties have referred to development plan policies in their evidence. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the local development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

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

Reasons

5. The site is located on an area of grass verge adjacent to a highway. The surrounding area is characterised largely by two-storey detached dwellings in traditional styles with gardens and trees along the side of the highway. Other than a bus stop shelter and low level sign, there is little street furniture near the site. Along this stretch of the highway, lampposts are fairly low in height and generously spaced apart. As such, although the area is not a conservation

area or subject to environmental designations, it has a pleasant domestic, verdant and spacious character.

6. The proposal for a 15m high street pole would be significantly taller than the surrounding trees and lampposts. Its siting in an area characterised by residential properties and little street furniture would result in a discordant effect on the pleasant residential character of the area.
7. The pole would also have a wider girth than the nearby lampposts, particularly near the top. Together with its height, its appearance would be visually obtrusive given the proximity to nearby dwellings and verdant character of the area.
8. While there are a greater number of lampposts and street furniture near the roundabout, this is some distance from the site such that the site has a closer relationship with the residential surroundings. The proposal would be seen more in the context of the pleasant domestic surroundings than the roundabout.
9. Taken as a whole, the development would be visually intrusive, dominant and would give the street and site an unacceptably cluttered appearance.
10. Consequently, the siting and appearance of the proposed development would harm the character and appearance of the area. Therefore, the proposal would conflict with Policy 8(d) of the North Northamptonshire Joint Core Strategy 2011 – 2031 Adopted July 2016 which seeks, among other things, development that responds to the site's immediate and wider context and local character. It would also conflict with the Framework in this respect.

Other Matters

11. I note the evidence which sets out the general economic and social benefits of this technology and its importance in national terms. However, the contribution that the equipment subject of this appeal would provide in national terms would be limited. In addition, I note the technical design constraints for the monopole and that its height is the minimum to meet technical requirements. I also acknowledge that the installations are designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-Ionizing Radiation Protection.
12. While I note the evidence relating to 5G coverage in the area, little substantial evidence is before me to demonstrate that the proposed siting of the monopole would fully mitigate any such shortfall. I have had regard to the alternative sites considered by the appellant for the proposed equipment and that no mast sharing opportunities or suitable buildings, or structures were identified.
13. Nevertheless, in this case I cannot rule out the possibility that an alternative site might yet be found to address the Council's concerns. Furthermore, I do not consider that the above points or the operational and locational needs of the operators or national strategy to provide 5G services outweigh the significant harm I have identified from the siting and appearance of the pole and cabinets in this particular location.
14. The Framework encourages the use of existing masts, buildings and other structures for new electronic communications capability and where new sites are required, equipment should be sympathetically designed and camouflaged

where appropriate. I am also aware of local and regional development plan support for digital infrastructure. However, given the significant harm to the character and appearance of the area that would result from the siting and appearance of the scheme, these matters do not outweigh the adverse effects of the proposal.

Conclusion

15. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR