



Appeal Decision

Site visit made on 16 May 2023

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 1 June 2023

Appeal Ref: APP/J0540/W/22/3309835

West Lake Avenue street works, West Lake Avenue, Peterborough PE7 8NJ

- 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 Thomas Gallivan and CK Hutchison Networks (UK) Ltd against the decision of Peterborough City Council.
 - The application Ref 22/01025/PRIOR, dated 14 July 2022, was refused by notice dated 7 September 2022.
 - The development proposed is 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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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.

Planning Policy

3. The principle of development is established by the GPDO, and the provisions of Schedule 2, Part 16, Class A do not require regard to be had to the development plan. Nevertheless, Policy LP16 of the Peterborough Local Plan (2019) is a material consideration, as it relates to issues of siting and appearance. In particular, this policy seeks to ensure all development is well-designed, minimise the impact of new telecommunications apparatus on visual amenity, safeguard the built and historic environment and safeguard pedestrian movement. The National Planning Policy Framework (the Framework) is also a material consideration, and it includes a section on supporting high quality communications.

Main Issues

4. The main issues in this appeal are the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and, if any harm would occur, 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

5. The appeal site (the site) lies within a grass verge which forms part of the public highway of West Lake Avenue, close to a zebra crossing where a greenway traverses the road. The site lies within an open, paved area directly to the front of Hampton Vale Primary School, and close to a commercial hub containing shops and a community facility. In the wider area are streets of residential properties and parkland. The site therefore lies in an area that is suburban in appearance, with an open, spacious character that, due to the convergence of several routes on the frontage of the school, forms a focal point for local people.
6. There are streetlights of slim design, approximately 6m high, lining the local roads. Two incorporate belisha beacons. On West Lake Avenue these are interspersed with street trees with moderate canopies. There is also lower-level street furniture, including a post box, telecommunications and services cabinets, bollards, planting, and traffic and street signage in the vicinity of the site and these are prominent within the street scene. Generally, street furniture is of a modest scale but is visually predominant in the immediate area.
7. The proposed 15 metre monopole and associated cabinets would be located between two street lights, close to the zebra crossing. Because of their scale and distance from the site street trees in the vicinity would have negligible effect in screening the proposal. Consequently, the monopole would be highly visible in the street scene.
8. Whilst there are streetlights in close proximity, they are of a much slimmer design, and less than half the height of the proposed mast. The structure would be higher than any of the surrounding buildings and trees and would be much bulkier than any of the existing street furniture in the locality.
9. The equipment would, therefore, be a highly visible, prominent and incongruous feature that would be out of proportion with the surrounding scale of the buildings and street furniture. Its harmful visual impact would be readily perceived by some nearby residents, people passing along the road and greenway and persons visiting the school, nearby shops or parks.
10. In longer views the lower part of the monopole and cabinets would be largely screened from view by existing development and planting. Consequently, its harmful impact would mainly be confined to the area immediately around the junction.
11. In arriving at this conclusion, I have considered the appellant's choice of colours, and I consider that the colour of the mast could be controlled by condition. However, whilst some colours may reduce the prominence of the proposed development to a limited degree, they would not successfully conceal its height, bulk, and incongruous presence in these suburban surroundings.
12. For the above reasons, I conclude that the proposal would result in significant harm to the character and appearance of the immediate area, and limited harm in wider views. Consequently, I must consider whether this harm is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reason for installation, alternative sites and planning balance

13. As set out at paragraph 114 of the Framework, advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Paragraph 117 of the Framework confirms that applications for telecommunications development should be supported with the necessary evidence to justify the proposal. This should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. It should also be noted that paragraph 118 of the Framework indicates that the need for electronic communication systems should not be questioned when determining applications.
14. The installation is required to fill a gap in 5G coverage in an area of residential and commercial uses surrounding the site, where access to digital services is poor. Paragraph 115 of the Framework advises that the number of telecommunications masts should be kept to a minimum, consistent with the needs of consumers, the efficient operation of the network, and the provision of reasonable capacity for future expansion. It also encourages the use of existing masts, buildings, and other structures. However, it does recognise that new sites may be required for new 5G networks. The evidence indicates that the sequential approach to site selection set out in paragraph 117 of the Framework has been followed, and that there are no opportunities for erecting antennas on existing buildings, masts, or other structures.
15. It is contended that, within a constrained search area, the appeal site presents the only viable solution, bearing in mind technical requirements. The appellant's evidence highlights six alternative sites within the target coverage area that have been considered, but the reasons given for discounting them are brief. The sites referred to as D1, D2, D3, D4 and D5 were rejected due to the limited footway width within which to install the equipment. In addition, D5 was discounted due to its proximity to dwellings, which was an issue for D6 as well. All of the sites occupy prominent positions, although none appear to provide a public realm focal point for local people in the way that the site does.
16. During my site visit I observed that some locations, such as D2 and D5, lay within lengths of footway where there was adjacent verge. These sites are closer to residential properties than the proposal site, but this has not been cited as the reason for rejecting the site in the case of D2.
17. I therefore find that the evidence provided is not sufficient in detail for me to reasonably conclude that there are no more suitable sites for the installation. Consequently, the harm that the proposal would cause to the character and appearance of the area is not outweighed by the need for it to be sited as proposed.

Other Matters

18. 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.

Conclusion

For the reasons given above, I conclude that the appeal should be dismissed.

I A Dyer

INSPECTOR