



Appeal Decision

Site visit made on 16 May 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 28th June 2023

Appeal Ref: APP/M3455/W/22/3313675

Land off Weston Road, Weston Coyney, Stoke-on-Trent ST3 6PZ

- 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 MBNL (EE (UK) Ltd and H3G (UK) Ltd) against the decision of Stoke-on-Trent City Council.
 - The application Ref 68220/PRA, dated 28 June 2022, was refused by notice dated 18 August 2022.
 - The development proposed is 20m high Street-works multi operator monopole with 12 apertures, 2 dishes, 7 cabinets and ancillary works hereto, replacing the existing 14.5m mast, antennas and 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) (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. The site address above has been taken from the Council's decision notice, as it more clearly identifies the location of the appeal site.

Planning Policy

4. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I therefore have had regard to the policies of the development plan, any related guidance 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.

Main Issues

5. The main issues are the effect of the siting and appearance on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of neighbouring residential properties in relation to outlook; 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

6. The appeal site is part of a wide pavement along Weston Road, adjacent to an existing bus stop in an area consisting of both commercial and residential uses. Directly to the rear of the appeal site is St Andrews Church, a single storey building. The appeal site is in a prominent position that is visible when you approach from both directions along Weston Road. The surrounding scale of buildings is mainly two storey and single storey.
7. Adjacent to the appeal site is an existing bus shelter with an integral advertising board. Further along from the bus shelter in both directions are two refuse bins set at the back edge of the pavement. Two streetlights, a telegraph pole and a pole mounted security camera are located within the pavement, adjacent to the appeal site. To the rear of the appeal site and the neighbouring bus shelter are two mature trees, located within the grounds of the Church. These features located in the surrounding area do provide a vertical emphasis.
8. The appellant asserts that the proposed monopole is of a height and girth designed to meet technical requirements, minimise signal interference, maximise cell coverage and to support the necessary antennae and cabling. However, due to the proposed 20 metre height, the monopole would extend significantly above the trees, streetlights, telegraph pole and pole mounted security camera as well as the nearby buildings. The column width and bulky apparatus towards the top of the monopole would be a highly visible and dominant feature that would not reflect the other established vertical features in the surrounding area which are much lower and more slimline. Whilst the trees to the rear of the appeal site would provide a backdrop to the proposal, they would not provide any screening of the proposal from views along Weston Road.
9. I acknowledge that the streetlights and telegraph pole are located more centrally in the pavement and the proposed monopole would follow this pattern of positioning. However, due to the more limited size of these other vertical features in comparison, the proposal would result in a dominant and incongruous structure which would not respond to its immediate surroundings.
10. I acknowledge that the proposed monopole is to replace one already located nearby. I witnessed the presence of the existing monopole during my site visit. However, it was much lower and slimmer than the one proposed under this appeal proposal and was set back in a much less prominent location within the service yard of a nearby shop unit.
11. The proposed number of cabinets would be extensive resulting in a row of them within the central area of the pavement. The positioning would make them prominent and due to the number of them it would result in visual clutter viewed by pedestrians and those driving along Weston Road. I am not persuaded that they would be visually assimilated into the existing streetscene, even with a condition requiring that they are finished in a specific colour to lessen the overall effect.

12. The appellant has referred me to a number of appeal decisions¹ where my Inspector colleagues have considered the effect of telecommunication infrastructure proposals on the character and appearance of an area and found them to be acceptable. Based on the evidence before me however, it appears that these cases differ to the appeal proposal in terms of the surrounding context and/or the design of the infrastructure proposed. They are therefore not directly comparable. In any case, each appeal must be assessed on its individual merits.
13. For the above reasons, the proposal would result in unacceptable significant harm to the character and appearance of the area. Having taken into account the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 Adopted October 2009 (CSS) as far as this is a relevant consideration within the terms of the GPDO, the proposal would conflict with Policy CSP1 regarding design quality. The proposal would also be contrary to Policy PR14 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document December 2010 (SPD) as far as this is a relevant consideration within the terms of the GPDO, which seeks to avoid street furniture clutter.

Living conditions

14. The nearest residential properties are located on the opposite side of the road to the appeal site and to the south beyond the grounds of the Church. There are no windows located in the side elevation of the bungalow opposite that faces towards the appeal site. The rear and front elevations are orientated so that views from windows would not be towards the appeal site. The front and rear gardens are set back from the back edge of the footpath providing separation to the appeal site.
15. The first floor windows above the florists on the opposite side of the road face towards the bus stop rather than the appeal site and therefore views would be at a more oblique angle from this property. The frontage of this property is hardstanding and used for parking rather than as domestic amenity space.
16. The neighbouring property to the south, 371 Weston Road, is orientated with front and rear windows facing away from the appeal site. There is one window at first floor level in the side elevation facing towards the appeal site, but this is limited in size and the grounds of the Church are located between the property and the appeal site.
17. Therefore, due to the level of separation, intervening space and the orientation of dwellings, the proposal would not cause harm to the living conditions of occupiers of nearby residential properties in relation to outlook. The proposal would comply with the relevant paragraphs of the Framework in this regard.

Alternative sites

18. The Framework recognises that infrastructure for high quality and reliable communications is essential for economic growth and social wellbeing. Paragraph 117 of the Framework explains that applications for telecommunications development, including prior approval, should be supported with the necessary evidence to justify the proposed development.

¹ APP/Q1445/W/20/3249294, APP/N5090/W/20/32450893, APP/T5150/W/22/3290526, APP/5780/W/17/3171954 and APP/L5810/W/20/3264789

This should include for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

19. I recognise that coverage plots are not discussed in the appellant's statement due to the proposed monopole providing a replacement to an existing installation adjacent to the appeal site that is to be removed. The proposal would therefore maintain and upgrade the existing coverage provided by the existing monopole.
20. The appellant has identified six other sites that were considered. Each of the alternative sites were discounted for reasons relating to the current use of the site, environmental impacts including the effect on trees and the constraints of sites in relation to size and height. No information has been provided to specifically identify the location of the alternative sites and the justification for discounting them is vague. I am therefore not persuaded that the site selection process was sufficiently robust and that a less harmful location could not be found.

Other Matters

21. Support for the delivery of advanced, high quality and reliable communication networks is afforded by the Framework and by other documents provided by the appellant and the proposal would support the continued coverage and upgrade to 5G. However, such equipment should be sympathetically designed and located. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting of appearance.

Conclusion

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

G Dring

INSPECTOR