



Appeal Decision

Site visit made on 11 May 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2023

Appeal Ref: APP/J4525/W/23/3317981

Alexandra Road street works, Alexandra Road, Ashbrooke SR2 9AB

- 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) Ltd against the decision of Sunderland City Council.
 - The application Ref 22/02527/TEX, dated 17 November 2022, was refused by notice dated 3 January 2023.
 - The development proposed is 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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Decision

1. The appeal is allowed and 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 (as amended) for the siting and appearance of the proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets at land at Alexandra Road street works, Alexandra Road, Ashbrooke SR2 9AB, in accordance with the terms of the application, Ref 22/02527/TEX, dated 17 November 2022, and the plans submitted with it including: 002 Site Location Plan, 215 Proposed Site Plan and 265 Proposed Site Elevation.

Procedural 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 provisions of the GPDO do not require regard to be had to the development plan. Nevertheless, I have had regard to the policies in Sunderland City Council Core Strategy and Development Plan 2015-2033 – January 2020 (the CSDP) and the National Planning Policy Framework (the Framework), only insofar 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 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 is a small area of public open space. It lies at the confluence of several roads and is adjacent to Queen Alexandra Road, Fairholme Road and Tunstall Road.
6. The surrounding grass area of open space is home to several mature trees and some low-lying hedges and shrubs. There is also some existing utilities infrastructure comprising equipment cabinets, a solar panel pole and associated structures. The busy roundabout junction of Queen Alexandra Road and Tunstall Road, with its heavily planted central reservation containing several mature trees and shrubs, lies immediately to the east.
7. The surroundings predominantly comprise traditional 2-storey dwellings, with some local services including a florist and convenience store facing the roundabout. On the opposite side of the roundabout to the east is a taller building of up to 4 storeys that appears to contain flats. Despite its urban location, the immediate area has an abundance of greenery formed by small areas of open space, verges and street trees, and the appeal site contributes to its verdant character.
8. In addition to the existing utilities infrastructure near to the appeal site, there is a variety of street furniture including lighting columns and road signs around the perimeter of the green space and to its neighbouring streets. Coupled with the presence of mature trees, there is a strong vertical emphasis to the streetscene.
9. The proposed installation, however, would be significantly taller than the existing street furniture, utilities infrastructure and trees. It would also be notably wider than the existing lighting columns. The existing trees would provide an element of screening from certain vantage points and the proposed grey colour would seek to assimilate it with the surroundings. However, based on the comparable height of the proposed street pole in the context of its surroundings, these aspects would provide only limited mitigation to its adverse visual effects.
10. The existing nearby equipment cabinets and associated apparatus have a limited visual effect on the surrounding area, due in part to their modest scale and position amongst shrubs and vegetation. On the basis that the proposed equipment cabinets would be of a similar appearance and scale, and that the vegetation would be retained, they would not generate any specific harm to the character or appearance of the area. In a similar respect, the limited footprint of the installations as a whole would not greatly affect the functionality of the area of open space. However, the absence of harm relating to these matters would be a neutral factor that would not weigh in favour of the proposals.

11. Taking all above matters into account, the proposal would represent an incongruous structure that would appear discordant with the wider streetscene. Whilst it would be sited a sufficient distance from residential properties to have no significant adverse effects on the living conditions of specific occupiers, its dominant scale would remain highly apparent when viewed from many surrounding properties and the nearby road and pedestrian network.
12. For the above reasons, the proposed siting and appearance of the installation would result in harm to the character and appearance of the area. Insofar as they are a material consideration relating to these matters, the proposal would conflict with Policies BH1 and BH6 of the CSDP, which together seek, among other objectives, for development to be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, and for development of new telecommunications infrastructure to demonstrate no significant adverse effect on the external appearance of the space in which they are to be located.

Suitable alternative locations

13. The proposed installation is needed to enable the operator to provide improved 5G network coverage in the surrounding area. The appellant has identified a target/search area and has assessed 6 alternative sites capable of providing the required coverage.
14. The alternative sites have been discounted for reasons including their location in a dense residential area, unsuitable pavements and visibility splays. The search area predominantly comprises dense residential development on relatively narrow streets, with limited availability of non-private land. Consequently, the effects of the development on all of the identified alternatives would in all likelihood be similar to the proposed location, and I am not in possession of any evidence that a preferable location is available.
15. I have identified harm with regard to the effect of the proposed installation on the character and appearance of the area. Nevertheless, based on the evidence before me, the proposed location appears the most suitable to provide the required improvements to network coverage. I give considerable weight to the provisions of the GPDO, which establishes the acceptance of telecommunications equipment. Accordingly, this outweighs the harm to the character and appearance of the area.

Other Matters

16. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
17. Other matters have been raised, such as the effect of the proposal on property prices and other economic considerations. However, as previously noted, the principle of development has been established by Article 3(1) of the GPDO, and

none of these matters fall within the exceptions, limitations or conditions specified in Schedule 2. Consequently, they are not material to the determination of this appeal.

18. I am in receipt of comments querying the scope of public consultation undertaken by the Council. However, I have no evidence before me to indicate that the Council has failed to undertake its statutory duty under the terms of the GPDO.

Conditions

19. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

P Storey

INSPECTOR