



---

## 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: 7 July 2023**

---

**Appeal Ref: APP/J4525/W/23/3317991**

**Fordfield Road street works, Fordfield Road, Sunderland SR4 0EW**

- 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 of CK Hutchison Networks (UK) Ltd against the decision of Sunderland City Council.
  - The application Ref 22/02528/TEX, dated 17 November 2022, was refused by notice dated 6 January 2023.
  - The development proposed is 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

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 an area of public footway adjacent to Fordfield Road. The surrounding area is predominantly residential comprising mainly of 2-storey semi-detached and terraced dwellings. At the time of my visit a 2-storey building with a slightly higher roofline remained under construction on the opposite side of Fordfield Road, with windows facing towards the appeal site. It is understood this will be occupied as a residential care home.
6. The appeal site sits adjacent to a large area of public open space. This predominantly comprises open grassland used for sports pitches and general recreation. Several trees line the boundary with the Fordfield Road footway, with two trees close to the appeal site. The expansive open space provides a welcome contrast to the low-rise but reasonably dense residential development that predominates the area. Accordingly, views over the open space provide a positive contribution to the local character.
7. There is a variety of street furniture in the immediate vicinity of the site including lighting columns, telegraph poles and pole-mounted CCTV cameras.
8. The proposed street pole would extend significantly above the surrounding buildings, structures and trees. It would also be notably wider in profile than the nearby vertical streetlight and CCTV poles. When viewed directly from the opposite side of Fordfield Road and from the windows of the care home, it would sit between the two adjacent trees and would appear as a stark and incongruous structure against the backdrop of the open space. Because they would sit behind the pole, the trees would provide very limited screening in views from the street. Whilst they would provide some screening in views from the open space and its adjoining footpaths, this would only be appreciable from limited vantage points. Accordingly, any mitigation the trees would provide would be insignificant.
9. It is acknowledged that the proposal would provide functional but essential infrastructure, and the grey colour would seek to assimilate the structure with the surrounding environment. However, the site's position adjacent to the open space and the significant scale of the proposed street pole would mean the colour would do little to detract from its adverse visual effects on the surrounding area. Whilst the equipment cabinets would be housed on a presently undeveloped part of the footway, their limited scale would not have a significant effect on the character or appearance of the area, and I find they would generate no specific harm. However, this would be a neutral factor that would not weigh in favour of the proposals.
10. 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*

11. A list of potential alternative sites within the target/search area has been provided by the appellant. The alternative sites have been discounted for reasons including being in a densely populated residential location, insufficient or unsuitable pavements, overhead cables, visibility splays and proximity to schools. It is acknowledged, due to the area being predominantly residential in character, that the siting effects across much of the search area are likely to be similar.
12. At my visit I noted the presence of a nearby telecommunications monopole on the corner of Fordfield Road and Penn Square. This is visible from the appeal site, located a short distance to the east, and appears to be within the target/search area. The Council has also drawn my attention to the presence of this apparatus.
13. I am not in possession of any further details regarding this installation, such as the names of the operator(s) or any planning decisions regarding it. Paragraph 115 of the Framework makes clear that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged.
14. I acknowledge that the infrastructure required to provide 5G coverage may be taller than some older installations. Therefore, the neighbouring installation may not, in its current guise, be capable of delivering the benefits of the proposed installation. However, the presence of the neighbouring installation was noted in the Council's officer report, and it has not been addressed in the appellant's appeal submission. As such, I am provided with no evidence that it would be unfeasible to share infrastructure. Accordingly, the proposal does not provide sufficient evidence of a thorough review of all alternative means of providing coverage in the search area.

### **Planning Balance and Conclusion**

15. Whilst I acknowledge the proposal would deliver significant benefits to mobile telecommunications in the area, I am provided with insufficient evidence that an alternative location could not deliver the same benefits whilst having a less harmful effect on the character and appearance of the area.
16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*P Storey*

INSPECTOR