



Appeal Decision

Site visit made on 1 August 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/V1505/W/22/3304989

Ward Close street works, Ward Close, Basildon SS15 5DR

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Gallivan of CK Hutchison Networks (UK) Ltd against the decision of Basildon Borough Council.
 - The application Ref 22/00793/TEL, dated 26 May 2022, was refused by notice dated 15 July 2022.
 - The development proposed is proposed 5G telecoms installation: H3G Phase 8 high street pole c/w wrap-around cabinet and; 3 further additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 requires the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. I have determined this appeal on the same basis.
3. The Council has referred to the development plan and national policies in its decision notice. However, the principle of development is established by the GPDO as set out above and its provisions do not require regard to be had to the development plan. However, the policies of the Basildon District Local Plan 2007 (LP) are material considerations insofar as they relate to the siting and appearance of the proposed installation. The National Planning Policy Framework (the Framework) is also a material consideration.

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

5. The appeal site is part of a wide footpath that sits adjacent to a highway with parking provision at a right angle to the highway on both sides. There is tree planting along the footpath. Immediately to the rear of the site are residential gardens with the dwellings beyond. Directly opposite is a large area of open

space providing both formal and informal recreation opportunities. Although the open space is substantial, the surrounding area is clearly residential in character and appearance.

6. The proposed mast would be significantly taller than the dwellings, lamp posts and adjacent trees. As a result, it would appear disproportionate and intrusive. This would be exacerbated by the width of the mast, notably wider than the surrounding slender lampposts. It would be particularly prominent above the trees and surrounding development where the mast would be wider again.
7. Dwellings in the surrounding area do have a range of forms, including some three storey blocks. However, the dwellings are laid out to be gable-end to the street. This gives the area around the open space a more modest and domestic character and appearance than would be expected from taller properties. The proposed mast would be an incongruous feature in this environment.
8. Direct overlooking from the properties to the rear would be screened by the tree planting for much of the year. The cabinets, while of a notable scale, would integrate into the street scene due to the trees and substantial boundary wall to the rear of the site. However these factors would not mitigate the harm I have identified above.
9. As a result, I consider the proposed installation would be an overly prominent and incongruous feature which would be visually intrusive. This would be harmful to the character and appearance of the surrounding area and contrary to LP Policy BAS BE20 which sets out that telecommunications apparatus should not have a significantly detrimental visual impact.
10. LP Policy BAS BE20 also acknowledges that technical and operational requirements will be taken into account, including the availability of alternative sites. I accept that the proposed mast, at 15m, is the minimum height for such equipment. The appellant has also provided details of its sequential approach to site selection. Reasons for discounting sites have been provided, albeit briefly. Site D1 is also in a residential area where the mast would appear as an unduly dominant and prominent feature.
11. However, the other identified locations are along Laindon Link. This road has the nature of a local distributor with a mix of development types and is markedly different to the residential character of the appeal site. I accept that two of the identified sites had issues which rendered them unsuitable due to visibility concerns and the presence of other services. The fact land is not adopted is not a reason in itself to discount a site. Furthermore, it may be that there are other suitable sites along Laindon Link that have not been considered given its length and the varied nature of the land uses along it.
12. Paragraph 114 of the Framework confirms that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology such as the 5G network that would be supported by the proposed development. As such, the proposal would provide significant benefits through the improved coverage and capacity in the locality.
13. However, I am not satisfied that the alternative sites put forward in this case represent a thorough assessment of potential sites within the search area.

Consequently, I am not satisfied that the harm I have identified is outweighed by the need for the installation to be sited as proposed.

Conclusion

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

J Downs

INSPECTOR