



Appeal Decision

Site visit made on 1 August 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2023

Appeal Ref: APP/J4525/W/23/3315562

Rotherfield Road, Hylton Red House Estate, Sunderland SR5 5QS

- 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 22/02118/TEX, dated 16 September 2022, was refused by notice dated 9 November 2022.
 - The development proposed is telecommunications installation, proposed 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural 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 Council 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 principle of development is established by the GPDO and there is no requirement to have regard to the development plan as there would be for a development requiring planning permission. Nevertheless, policies BH1 and BH6 of the Core Strategy and Development Plan 2015-2033 (2020) (CSDP) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure that development achieves a high quality of design and telecommunications equipment that is sympathetic to the townscape. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes policies for supporting high quality communications.

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 located on Rotherfield Road, at its junction with Rhodesia Road and Redhill Road, on the edge of an area of open space planted with grass, shrubs and small trees. The surrounding area comprises a church, two storey dwellings, and owing to another area of grassed open space opposite the appeal site and the playing fields on the opposite side of Rotherfield Road, the area has an open character.
6. The proposed mast would be erected at the rear edge of the pavement on the perimeter of the open space and would not encroach on the surrounding landscape features. Vertical elements in the area include existing street furniture comprising street lights, road signs and a bus shelter. There are also taller trees in the distance beyond the playing pitches and within the area of open space opposite the appeal site.
7. The appeal scheme has been designed with urban, roadside locations in mind and would not affect the free flow of pedestrians. I also note that the proposed mast has been reduced in height from a previous application and is said to be the minimum height necessary to achieve the required service levels. However, at 15 metres to the top of the tower, the proposal would be significantly taller than the existing street lights, which are the tallest items of street furniture at present. Even if there would be no detrimental effect on opportunities for passive solar gain for nearby buildings and despite being described as slimline, the monopole would be significantly broader than the streetlights and would have relatively bulky antennas.
8. The installation would also be in a particularly exposed position, on the outer edge of the open space, set apart from any of the nearby taller trees. As a result, the entire mast and cabinets would be clearly visible in views along the adjacent highways as well as the footpaths and would be conspicuous from several directions, by virtue of its corner location. It would also be readily apparent as a prominent feature in the open long views on approach from Redhill Road. The appellant suggests that the installation could be coloured to minimise its appearance. However, given the site's prominent location, and the proposal's height and design, this would not resolve the visual effect of the proposal.
9. While I note that the proposal meets guidelines for non-ionising radiation protection and the area is not subject to heritage or other policy constraints, the mast would nevertheless be a visually intrusive feature. It would be sited in an exposed and open location and would be starkly incongruous and contrast with the verdant qualities of the locality. The visual intrusion would furthermore be experienced by significant numbers of local residents as they move between the residential areas, bus stops and playing fields.
10. For the above reasons, the siting and appearance of the proposal would be harmful to the character and appearance of the area. Accordingly, insofar as they are a material consideration, the proposal would be in conflict with policies BH1 and BH6 of the CSDP. Amongst other things, these policies seek development that respects and enhances the positive qualities of the locality and quality communications that would not have a significant adverse effect on the appearance of the space there are to be located. It would also be contrary to the overarching principles of the Framework for development to achieve well-designed places for the long term.

11. Paragraph 114 of the Framework outlines that 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. The scheme is required to improve digital wireless mobile coverage and to facilitate 5G coverage and the appellant has demonstrated that there is a particular need for the proposed telecommunications equipment in the area which is said to be lacking in coverage. I also acknowledge the numerous economic and social benefits arising from a 5G network. As such, the proposal has clear public benefits.
12. In line with Paragraph 117 of the Framework, the appellant has set out the sequential approach in relation to suitable alternative sites for the proposed development. Site sharing is said to have been investigated and exhausted and the cell search area for the required new installation is constrained due to the operational requirements. Alternative locations for the siting of the proposal within the search area are assessed and have been discounted by the appellant for reasons including proximity to residential properties and insufficient pavement width.
13. The alternative sites are generally dispersed away from the nominal site where additional infrastructure is required. In the intervening areas, I observed several locations where there are wide footpaths and grass verges and/or where there are existing taller vertical features. Moreover, there are areas within the search area where no evidence has been provided that alternative sites have been assessed.
14. As such, based on the evidence before me, I am not satisfied that a robust review of the availability of alternative sites for the appeal scheme have been properly explored, in line with the provisions of Section 10 of the Framework. Consequently, it has not been demonstrated that the appeal site represents the only viable option.

Planning Balance and Conclusion

15. I acknowledge that the appellant has demonstrated a requirement to upgrade the network to provide improved coverage and capacity, most notably in relation to 5G services.
16. The Framework supports the expansion of electronic communications networks, including next generation mobile technology and there would be important social and economic benefits from the proposed development which weigh in favour of the appeal. However, I afford significant weight to the harm to the character and appearance of the area arising from the siting and appearance of the proposed development. Given my above findings, the availability of less harmful alternative sites has not been properly explored and, therefore, the need for the development in this location does not outweigh the harm.
17. For the reasons given, and having regard to all relevant matters raised, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR