



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: 06 September 2023

Appeal Ref: APP/J4525/W/23/3317954

Cartwright Road Street Works, Cartwright Road, Sunderland SR5 3DX

- 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 22/02526/TEX, dated 17 November 2022, was refused by notice dated 4 January 2023.
 - The development proposed is a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
-

Decision

1. The appeal is allowed and planning permission is granted for a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets at Cartwright Road Street Works, Cartwright Road, Sunderland SR5 3DX in accordance with the terms of the application, Ref 22/02526/TEX, dated 17 November 2022, and the plans submitted with it, including: 002 Site Location Plan (SDL16540 SDL139_88747_SR0140_GA_REV A), 215 Proposed Site (SDL16540 SDL139_88747_SR0140_GA_REV A) and 265 Proposed Site Elevation (SDL16540 SDL139_88747_SR0140_GA_REV A).

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 the corner of Cartwright Road and Hylton Castle Road. It is part of a grass verge located next to a narrow section of footpath, there is another smaller area of grass and wider section of footpath in front. The surrounding area is predominantly residential with a care home to the rear of the appeal site and a school further along Cartwright Road. Despite the urban qualities of the area, this section of Cartwright Road has a verdant character owing to the grass verge, established hedging and tree planting and offers visual relief from the otherwise dense built form.
6. Coupled with the hedging and tree planting there are a number of vertical features nearby to the site, including street lights, road signs and telegraph poles. The proposed mast would be 15 metres to the top of the tower and would be coloured grey to match the existing street furniture in the area. The appeal site's position is near a highway, set back from the junction within the grass verge. Nevertheless, the proposed mast would appear taller than existing vertical features. It would be perceivable by road users and pedestrians on Cartwright Road and Hylton Castle Road and when viewed from nearby properties, contrasting with the verdant qualities of the locality.
7. However, the nature of the surrounding urban environment is primarily of shorter-range views around the suburban streets, and as such, while visible from a number of locations, the mast would not be a dominant feature in particularly long-range or important views and vistas. Therefore, any harm would be relatively localised. While the height and width of the cabinets would appear large in the context of the generally pedestrian scale of other nearby features, in the most obvious views, they would be principally seen against the backdrop of the hedgerow and trees and in this way would not be particularly dominant or intrusive.
8. I therefore find that the proposed development would cause some harm to the character and appearance of the area, to which I ascribe moderate weight. Insofar as they are material considerations, the proposed installation 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.
9. 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 appellant has indicated that the proposal would bring new 5G mobile coverage and modern, high-speed communications service to the densely populated area. It would enhance the

national communications network in the area and generate other social and economic benefits. These are clear public benefits of the proposal.

10. 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. The search area for the proposed site is small due to the operational requirements and predominantly comprises dense residential development on relatively narrow streets, with limited availability of land. Alternative locations have been assessed and discounted by the appellant with reasonable justification which includes reasons such as their location in a residential area, conflicting services, unsuitable pavements and visibility splay issues. As such, the appellant has satisfactorily demonstrated that the proposed development is needed at this location, taking into account any suitable alternatives.
11. I acknowledge the various potential economic and social public benefits highlighted by the appellant. In addition, the absence of a suitable alternative site and the need for the installation to be sited as proposed weighs in favour of the scheme. In weighing the harm against the benefits and the need for the installation to be sited as proposed, I conclude that these would outweigh the moderate harm that would be caused to the character and appearance of the area that I have identified.

Other Matters

12. An interested party has raised concerns regarding the site's location on approach to a school. 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. In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine.
13. Concerns have also been raised about the potential shading effect of the proposal on a nearby property roof. The extent of any shadow from the proposed mast has not been demonstrated however, and there is no clear evidence that solar panels are to be installed. Even if there was, while there may be some disadvantage to the occupiers of this property, this would not outweigh the public benefits of the scheme identified above.

Conditions

14. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the Local Planning Authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the Local Planning Authority received the application, and must 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

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

F Harrison

INSPECTOR