



Appeal Decision

Site visit made on 15 August 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/P3040/W/23/3315469

Radcliffe Road, West Bridgford, Nottinghamshire NG2 5DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Rushcliffe Borough Council.
 - The application Ref 22/01815/GDOTEL, dated 15 September 2022, was refused by notice dated 11 November 2022.
 - The development proposed is a 15.0m Phase 9 slimline monopole and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary 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.
3. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (the CS) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (the LPP) are material considerations as they relate to issues of siting and appearance. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and includes a section on supporting high quality communications.
5. The proposal includes the provision of a mast along with a number of associated cabinets. It has been suggested that these cabinets do not require planning permission or prior approval to be granted and are instead covered by permitted development rights. However, the cabinets have been submitted as part of a prior-approval application and it has not been suitably demonstrated that the cabinets would fall under permitted development that does not require prior approval. Therefore, I have considered the cabinets as part of the appeal proposal before me.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on:
- The character and appearance of the surrounding area;
 - The living conditions of the occupiers at Number 134 Rutland Road;
 - highway safety; 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

7. The appeal site is located on a grass verge at the junction between Radcliffe Road and Rutland Road. The area is generally residential with some small commercial properties opposite the junction. Development in the area is predominantly residential in character and two-stories in height, the main exception to this are the street lights.
8. The proposed mast would therefore be in a prominent position close to, and readily visible from, the highway for some distance. Although there are tall features within the street scene, these are not so similar to the proposal that it would relate well with them. In particular, the trees are a softer and organic feature and the street lights are finely proportioned so as to not be visually intrusive. In contrast, the height and bulk of the mast, especially with regard to the antenna, would be a dominant feature that would project above the tree line. Moreover, given its functional and utilitarian design, the mast would be incongruous with the residential and somewhat verdant appearance of the street scene. The visual impact of the proposal would be further exacerbated by the large size of the associated cabinets.
9. The siting and appearance of the mast and its associated cabinets would therefore harm the character and appearance of the surrounding area. I have been mindful of, and the proposal would conflict with, CS Policy 10 and LPP Policy 1. It would also conflict with the character and appearance aims of the Framework, including paragraph 130 regarding developments being sympathetic to the local character of its setting.

Living Conditions

10. As noted above, the surrounding area is primarily residential, and the appeal site would be in close proximity to number 134 Rutland Road. The proposed mast would likely be visible in the outlook from the upper floor windows and the garden of this property.
11. However, the proposal would not be so large, in massing or height, or so close to any windows, as to result in an unacceptable impact on No 134's outlook. Moreover, any views of the mast from this property would be softened by the mature trees which are set very close to the dwelling and around its garden. The proposal would not, therefore, result in any unacceptable impact on the living conditions of the neighbouring occupiers.

12. I therefore find that the siting and appearance of the mast and its associated would not adversely affect the living conditions of neighbouring occupiers. I have been mindful of, and the proposal would comply with, CS Policy 10 and LPP Policy 1 as well as with the Framework in regard to protecting the living conditions of neighbouring occupiers.

Highway Safety

13. As noted above, the proposed mast and cabinets would be close to both the highway and footpaths at the junction between Radcliffe Road and Rutland Road. I understand from the submissions before me that Radcliffe Road previously had a 40mph speed limit, but this has more recently been reduced to 30mph. I recognise that the Council have concerns as to the safety of the road network in this area and that vehicles do not follow the legal speed limit.
14. However, from the submissions before me, I find that the proposed mast and cabinets would be sited far enough back from the carriageway as to ensure that suitable intervisibility would be retained. This includes where motorists on Radcliffe Road are travelling at speeds closer to 40mph. In particular, vehicles leaving Rutland Road would be forward of the proposal allowing clear views between vehicles on both roads. Furthermore, vehicles traveling along Radcliffe Road would need to slow before turning on to Rutland Road further increasing the opportunity to see and react to pedestrians attempting to cross Rutland Road. Therefore, whilst the proposal may somewhat reduce intervisibility, this would not be to such an extent as to unacceptably harm highway safety.
15. I therefore find that the siting and appearance of the mast would not unacceptably affect highway safety. I have been mindful of, and the proposal would comply with, CS Policy 10 and LPP Policy 1 as well as with the Framework in regard to protecting highway safety.

Need for Proposed Siting

16. The appellant has submitted that the area surrounding the appeal site currently suffers from acute capacity issues, and they have identified the nominal point within this area. The proposal would also provide 5G signal for this area. It is clear then that there is some need identified for improved infrastructure. The appellant has also identified a number of alternative locations around the nominal point which were discounted for various reasons, including the proximity to residential properties, trees and underground services, and the impact on highway safety.
17. The assessment of these discounted options is brief and the overall information on each option is significantly limited. In particular, the reasoning behind discounting options D3, D7 and D8 is not sufficient. With regard to D3, I do not have enough information before me to be certain that there would not be sufficient space retained on the pavement. Around option D7 there are a number of verges which could be suitable, but it is not clear whether all of these were considered, from my observations it appeared that some of these were some distance away from any residential dwellings. Option D8 also covers a wide area and it is also not clear what the appellant means when they refer to the 'build issues'.

18. Moreover, the appellant has submitted that there are no buildings to which a mast could be attached. However, no detailed explanation as to why none would be suitable has been submitted.
19. Consequently, I cannot be certain that the appeal site is less harmful than the alternatives or that they are not viable options. Therefore, and without sufficient evidence to demonstrate otherwise, the need for the proposal to be located here does not outweigh the harm identified.

Other Matters

20. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

21. For the reasons given above, the appeal is dismissed.

Samuel Watson

INSPECTOR