



Appeal Decision

Site visit made on 13 September 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2023

Appeal Ref: APP/Z2260/W/23/3318790

Path on Junction of Dane Valley Road and College Road Opposite King Edward Pub, Dane Valley Road, Margate CT9 3RS

- 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 MBNL (EE UK Ltd and Hutchison UK Ltd) against the decision of Thanet District Council.
 - The application Ref TL/TH/23/0018, dated 28 December 2022, was refused by notice dated 1 March 2023.
 - The development proposed is telecommunications installation upgrade; proposed EE/H3G 18.0m High Phase 7 Monopole complete with wraparound cabinet to replace existing EE/H3G 10.0m High Mk2 Telegraph Pole 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 (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. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan.
4. I have had regard to the policies of the development plan only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation, 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 alternative sites.

Reasons

Siting and appearance

6. The appeal site comprises a small area of land positioned next to Dane Valley Road and the adjacent public space. The surrounding area is made up predominantly of residential development.
7. The proposed installation would include a monopole, together with a series of associated equipment cabinets at its base. The prominent and exposed location of the monopole, together with its significant height, is such that it would be highly visible from the surrounding public realm, including from along Dane Valley Road and from a reasonably high number of nearby properties.
8. Although I accept that the site has no landscape or heritage designation, and that an existing monopole installation exists near to the site, this open and verdant part of Margate forms one of only a few breaks in the otherwise urban surrounding character. Moreover, the existing monopole is significantly shorter than the proposed installation.
9. I also accept that existing street furniture along Dane Valley Road, College Road and surrounding streets is visible, including street lighting columns. However, these are of a relatively limited height and slimline nature compared with the proposed installation, and are typical of an urban streetscene. The proposed installation, at 18 metres high, would be appreciably higher than those features, appearing visually intrusive and dominant in the streetscene.
10. The mature trees that exist along the road and within the open space would screen, to some limited extent, the installation from the west approach. However, these trees are not of a significant height and are generally deciduous, further reducing coverage during winter months. Ultimately, a substantial extent of the monopole would be viewed against the otherwise uninterrupted skyline here. This would form a jarring and incongruous feature in this location.
11. The proposed base cabinets would be of an appearance, size and position that would have only a limited visual impact on the streetscene. Nevertheless, this would not overcome the harm identified above.
12. I recognise the importance of good, fast, reliable and cost-effective communications. Moreover, there is no basis to question that the equipment is necessary to achieve the required standard of network coverage, which is referred to as highly constrained. I also note the support in the National Planning Policy Framework (the Framework) for high quality communications, and that this is considered essential for economic growth and social well-being. However, I must balance these public benefits against the requirement for equipment to be appropriately sited. I have concluded above that the proposed replacement installation would be harmful to character and appearance, and I do not consider that harm to be outweighed by the support in the Framework for high quality communications.
13. Overall, I conclude that the proposed installation would have a harmful effect on the character and appearance of the area. Insofar as they are material considerations, the proposed installation would be contrary to the relevant provisions of Policies QD02 and QD07 of the Thanet District Council Local Plan (adopted 2020). These policies, when taken as a whole, seek to deliver high

quality design in development that has a positive visual impact. This is in a similar vein to paragraph 130(c) of the Framework, which seeks to ensure that developments are sympathetic to local character.

Availability of alternative locations

14. Paragraph 117 of the Framework requires that applications for telecommunications development, including prior approval, should be supported by necessary evidence to justify the proposal. This should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
15. The appellant has set out that this is an upgrade to an existing site and therefore no other locations for standalone facilities have been investigated. It is also set out that the current siting was agreed by the Council as the most appropriate location when the original installation was approved.
16. Nevertheless, there is limited information before me in respect of the previous discussions around siting and the discounted options then supplied. In any case, this is for a different proposal that is considerably larger than that existing monopole, rising from approximately 10 metres to 18 metres. Consequently, I must assess the proposal's impact and I am not persuaded that the appellant has properly explored all other potentially available, and less harmful, alternative options.

Other Matters

17. Whilst I acknowledge that the appellant sought to undertake pre-application consultation, with no response received from local members or officers, this process would not predetermine the outcome of a subsequent application. Moreover, there is no evidence of the approach taken to try to engage with the Council and others.
18. I also note the appellant's contention that the proposed installation would not impact on the free flow of pedestrians and others and would not have an adverse impact on public health. However, these matters are not in dispute between the Council and appellant and I have no reason to disagree with those findings.
19. I have noted a letter of support for the scheme. However, this has not led me to an alternative conclusion on the main issue.

Conclusion

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

A Price

INSPECTOR