



Appeal Decision

Site visit made on 23 August 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2023

Appeal Ref: APP/M2840/W/23/3319477

Higham Road Street Works, Higham Road, Rushden NN10 6DD

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Gallivan on behalf of CK Hutchison Networks (UK) Limited against the decision of North Northamptonshire Council.
 - The application Ref NE/23/00020/PNT, dated 6 January 2023, was refused by notice dated 1 March 2023.
 - The development proposed is 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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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 Order) 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 provisions of Schedule 2, Part 16, Class A of the Order do not require regard to be had to the development plan. I have therefore had regard to the policies of the development plan and the National Planning Policy Framework, 2023 (the Framework) only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main parties do not dispute that the appeal scheme meets the requirements of Class A, Part 16, Schedule 2 of the GPDO such that it would constitute permitted development, subject to the condition that prior approval must be sought in relation to its siting and appearance.
5. The main issues are:
 - the effect of the siting and appearance of the proposed development upon 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

Character and appearance

6. The appeal site is located along the footpath of Higham Road, immediately adjacent to the car parking area of a large retail unit with low wooden railing and shrub planting between. The footpath at this point is wide with a waste bin, bus stop and streetlight close to the roadside edge.
7. Higham Road, around the appeal site, is Victorian residential terraced housing with occasional commercial uses such as the adjacent retail unit. The road is highly trafficked and serves as a principal route in and out of Rushden and Higham Ferrers. Trees line the footpath on the opposite side of Higham Road, outside the residential dwellings which face towards the site.
8. The tree-lined footpaths provide a green and verdant character which is enhanced by the low-level planting outside the retail unit and there is currently a fairly consistent height of buildings, trees, and other structures. The sloping nature of Higham Road results in the buildings stepping down and this, along with the tree-lined streets, contribute positively to the character of the area.
9. The slope of Higham Road also allows for longer distance views of the site and the low-level nature of the car park and boundary hedging allows for views across the car park. The part of the footpath proposed for the siting of the appeal scheme is wide and open. As a result, the appeal site has an open character and appearance, within a predominately residential area.
10. Existing tall street furniture in the immediate area consists of street lighting columns and wooden telephone cable poles which are located on both sides of the road. However, they are all of a slim design and consistent height, similar in height to the trees and houses and step down with the road slope. The lower-level street furniture including junction lighting, road signs and bus stops are spread around the area and do not result in a cluttered street scene.
11. The proposal is for a 15-metre pole with associated ground-based apparatus which would be located on the footpath. The proposed pole would be at a greater height than any of the existing street furniture in the area and whilst the pole has been designed to be the least intrusive, simplistic, and as narrow as possible, it would still be wider. I note that the Order does allow for a height of up to 25-metre and the proposal is 15-metre which is the lowest possible height for the needs of the proposal. However, the proposal would still extend above the existing street furniture and would not follow the stepping down of heights with the road slope.
12. Furthermore, the pole would extend above the height of the trees which line the opposite side of the street. The trees would provide a backdrop when viewed from across the car park of the commercial unit. However, the trees would not be seen as the backdrop when viewed from either direction along Higham Road or screen the full height of the pole. The pole would, therefore, be prominent and obtrusive in these views and harmfully detract from the character and appearance of the area.
13. The trees would provide some screening of the appeal proposal from the residential properties on the opposite side of Higham Road, and I accept that the proposal is not directly in front of any residential properties. However, the occupants of these properties currently have the tree-lined street as their

outlook and the proposed pole would be appreciably higher than the trees. Furthermore, the trees would not provide any mitigation to the visual impact of the proposal as viewed from the residential properties on Peck Way.

14. Notwithstanding the Council's concerns the width of the footpath and limited other street furniture, at the appeal site, would provide sufficient space for the proposed cabinets. They would be set back adjacent to the vegetation and timber railing and would, therefore, not result in a cluttered appearance or cluttered footpath. The existing vegetation behind the appeal site, within the car park of the adjacent commercial unit, would provide a backdrop to the associated ground-based apparatus. However, due to the low height of this vegetation it would provide little screening for the pole.
15. The siting and appearance of the proposed pole would stand out on the street scene as an incongruous and alien feature, not respecting the existing scale of the area or the slope of Higham Road. Although such poles are often found in urban areas the proposal before me would not, contrary to the appellant's assertion, be of a design solution that is suitable for the proposed site and would not mitigate the harmful effect on the character of the area. That the area is not a designated Conservation Area does not reduce the harm identified.
16. I, therefore, conclude that the proposal would harm the character and appearance of the area. Although neither main party have referred to any conflict with the development plan the proposal would, insofar as it is relevant, be contrary to Policy 8 of the North Northamptonshire Joint Core Strategy, adopted 2016 (LP) which amongst other things, seeks to create pleasant streets by enhancing public realm and character and by ensuring development responds to local context and character.
17. For the same reasons, the proposal would also fail to comply with the requirements of Paragraph 115 of the Framework, which seeks to ensure that new electronic communications poles are sympathetically designed and camouflaged, were appropriate.

Alternative Sites

18. I acknowledge that siting of the proposal is based on coverage and capacity to the surrounding area and, therefore, the siting of the proposal is required within areas where the service is used. In this regard, a street-based solution has been proposed with Higham Road as being identified as the best location.
19. For the reasons given above I have found that the proposed development, through its siting and appearance, would cause harm to the character and appearance of the area for the reasons given. The other options that might be available are therefore an important consideration.
20. The appellant's alternative site assessment indicates that there are constraints associated with other new mast locations within the search area. The information refers to six discounted alternative options, numbered D1 to D6. Reasons are given as to why they have been discounted and these include insufficient pavements, effect on visibility splays and being located in residential areas.
21. I note the reasoning behind discounting the sites shown with the submission. However, the supporting information is unclear why the proposal needs to be

sited in a prominent position on the footpath of Higham Road, which, like many of the discounted sites, would also be within a residential area. It is not clear why the discounted sites are considered more harmful than the appeal site. Moreover, the appellant's evidence advises that the search area has a radius of approximately 100 metres and only six alternative sites have been considered.

22. The appellant states that there are no mast/ site sharing opportunities or existing buildings/ structures. However, I have not been provided with details of the extent of buildings or other structures that could support the proposal. There is little information before me on those alternative sites as required by Paragraph 117 of the Framework.
23. I am, therefore, not convinced that the search area has been properly explored. The evidence before me is not compelling and I cannot be sure that the appeal scheme is the most suitable in terms of its siting and appearance. I consider that limited information has been provided for the discounting of other sites, including mast sharing and use of existing buildings/ structures. There is little evidence before me to support assertions that other options are unavailable, unsuitable, or more harmful.
24. In summary, the development proposed would cause harm to the character and appearance of the area and I am not satisfied that less harmful alternatives have been properly explored. For these reasons I find the siting and appearance of the proposed development to be unacceptable.

Other Matters

25. The appellant has referred to pre-application correspondence sent to the Council; however, I have not been provided with any evidence of the Council responding to this. As such the pre-application correspondence does not alter my findings on the main issues.
26. That there are no effects on the living conditions of occupiers of neighbouring residents is a neutral matter and would not outweigh the harm I have found.
27. I note the support in the Framework and by the Government for high quality communications, the overall improvements that enhanced 5G brings to an area and that access to advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. There can also be environmental, healthcare and education benefits including facilitating access to services and improving connectivity speed.
28. I also acknowledge the changes to working patterns since the Covid-19 pandemic, with particular regard to working from home and the reliance on the communication network. I also note that policies and decisions should support the expansion of the communications network and that the support was reiterated in the Department for Digital, Cultural, Media and Sport letter provided within the appellant's evidence.
29. However, I must balance these factors against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term. In this case, the harm I have identified is not outweighed by the general support for enhanced and improved telecommunications infrastructure.

30. Interested parties have raised other concerns with the proposed development. However, as I am dismissing the appeal for other reasons, I have not sought to explore these matters further.

Conclusion

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

K Townsend

INSPECTOR