



Appeal Decision

Site visit made on 10 October 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2023

Appeal Ref: APP/J2373/W/23/3319456

Cherry Tree Road Street Works, Cherry Tree Road, Blackpool FY4 4PT

- 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) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Blackpool Council.
 - The application Ref 23/0011, dated 6 January 2023, was refused by notice dated 27 February 2023.
 - The development proposed is a proposed 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) (GPDO) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on this 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 to be had to the development plan. I have, though, had regard to the policies of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) (Core Strategy), Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (SADM Policies) and the National Planning Policy Framework (Framework) insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on (i) the character and appearance of the area; and (ii) 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 forms part of a grass verge area between the footway to the side of Cherry Tree Road and a private road. The set back of properties that are accessed from this private road, and the generally open frontages that provide views over front garden and parking areas, as well as the presence of

trees and areas of green open space gives the area a spacious, verdant character.

6. The proposed mast would be situated in the vicinity of other street furniture items, such as lamp posts and is a structure that is commonly found in urban areas. At 15m high, it would however be significantly taller than other items of street furniture as well as nearby buildings. The proposed mast would also be over twice the height of the nearest trees, and they would therefore have a limited effect in minimising the visual impact of the proposal. Reference has been made to the discreet location of the proposed scheme. It would however be directly opposite Whalley Lane, as well be clearly visible in views along Cherry Tree Road. As such, and despite the slimline design of the mast and the opportunity to select a colour, it would appear as a prominent, discordant addition from public vantage points as well as from a number of windows of the nearby residential properties.
7. The proposal also includes for a number of cabinets but as these would be low level structures, I do not consider the siting and appearance of these elements of the proposal would have a harmful visual effect.
8. On this issue, for the reasons set out, I conclude that the siting and appearance of the proposed installation would result in significant harm to the character and appearance of the area. The proposal would conflict with, insofar as they are material considerations, paragraph 115 of the Framework, Policies CS7 and CS12 of the Core Strategy and Policy DM17 of the SADM Policies, which seek, amongst other matters, development that responds to any positive character of the local areas and is appropriate in scale, and height.

Need

9. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and in this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposed mast would provide 5G coverage in and around Cherry Tree Road. The benefits of the proposal have been set out by the appellant, including supporting home working, businesses and socialising. Reference has also been made to a letter that sets out the importance of digital connectivity.
10. A number of alternative sites were considered and discounted by the appellant in a constrained search area. This includes a site on Vicarage Lane ('D4'), close to the junction with Holbeck Avenue which was discounted due to unsuitable pavements. There are however various locations on Vicarage Lane that do not appear to have been considered, and it is not clear whether the pavements are also unsuitable elsewhere along Vicarage Lane, particularly to the north-west of site D4 where as well as the footway, there are grass verge areas. Given that there may well be other locations that could potentially accommodate the proposal, I find the analysis by the appellant to be not sufficiently comprehensive to eliminate all other reasonable options.
11. I appreciate the need for this installation is to provide new 5G mobile coverage to the local predominantly residential area. It would bring a modern, high-speed communications service and this weighs in favour of the appeal. I have also no reason to question the need for a new site for this proposal and the adherence by the appellant to the sequential approach in considering mast /

site sharing and existing buildings or structures. The proposal would, however, for the reasons set out above, be harmful to the character and appearance of the area. On the evidence before me, I am not convinced that less harmful alternatives have been properly explored and it is my overall view that the need for the proposal does not in this case, outweigh the harm.

Other Matters

12. The site is not in a Conservation Area nor is it subject to any environmental designations or affected by a Tree Preservation Order. The proposal would not have a detrimental impact on pedestrians using the pavements or on the amenity of residents, but these are neutral matters and not ones which weigh in favour of the proposal.
13. I note the appellant sought pre-application discussions with the Council. This appeal follows the Council's formal decision, and I can confirm that I have assessed the development accordingly, on both its merits and impacts.
14. My attention has been drawn to an appeal decision¹ by the appellant. From the information provided, it is evident that the nature of this referenced appeal was different to that of this appeal which is before me as it proposed a 20m monopole and the area of dispute related to the disruption to pedestrians. I can confirm that I have determined this appeal on its own particular circumstances.

Conclusion

15. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR

¹ Ref: APP/A5840/W/20/3254830