



Appeal Decision

Site visit made on 6 November 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2023

Appeal Ref: APP/M2373/W/23/3322993

Roman Road, Blackburn BB1 2LB

- 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 GPDO).
 - The appeal is made by Mr Gallivan (CK Hutchison Networks (UK) Ltd) against the decision of the Borough Council of Blackburn with Darwen.
 - The application Ref 10/22/1102, dated 22 November 2022, was refused by notice dated 13 January 2023.
 - The telecommunications installation is proposed 5G telecoms installation: H3G 18m 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 2015), 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.

Planning Policy

3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far 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: the character and appearance of the area; 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

5. The site is an open grass verge at the corner of Roman Road and Newfield Drive, forming part of a crossroads junction. A range of vertical street furniture is present in the immediate surrounds such as traffic lights, lampposts and road signs, including close to and within the grass verge. Although the crossroad area has an open feel, the wider surroundings are primarily residential, with a range of predominantly two storey dwellings located in proximity to the site.
6. The proposal would reflect the vertical elements of street furniture present nearby, and would be coloured grey. However, it would be notably greater than these other structures in height with additional bulk at its topmost part due to antennas, towering above the street furniture and lower level built form in the immediate surrounds. Rather than assimilating with the vertical street furniture present, the introduction of the proposal would result in a busy and cluttered appearance to this section of the highway due to the resulting variety of structures of differing heights and forms.
7. The site is in a corner position at the crossroad junction towards the top of a slope when travelling north along Roman Road. This would result in the proposal being highly visible, with long ranging views. It would read as a prominent addition to the streetscene, readily experienced by passing pedestrians and vehicle users. In the context of the immediate open and spacious feel to the crossroads junction, and among the lower level of surrounding development, it would appear as an imposing and visually disruptive addition. Although the appellant refers to trees surrounding the site I did not observe on my visit that would provide an adequate level of screening.
8. The height and antenna features are necessary elements of the proposal for technical and operational reasons, and structures such as this are becoming increasingly common features across the country, particularly in urban locations. Similarly, I acknowledge that the site does not have any specific land designations such as falling within a conservation area. Nevertheless, for the reasons outlined above, it remains that the proposal would appear visually jarring and unduly dominant in the vicinity.
9. For the reasons given, the siting and appearance of the proposal would cause significant harm to the character and appearance of the area.

Highway Safety

10. The site forms part of a signalised crossroads in a main thoroughfare that, although only a snapshot in time, was busy during my visit. However, the proposal would be within the verge set back from Roman Road, albeit at a modest distance, and retain a useable area of footpath. As such, it would not impede the movements of pedestrians or motorists. While there would be little room for the parking of maintenance vehicles, the Council is clear that due to the limited frequency of this requirement, this alone would not result in highway safety concerns that would warrant a refusal of the scheme. Based on my observations and the information before me, I have no reason to disagree.
11. Even acknowledging the overall dimensions and angle of the proposal, its setback and siting within the verge would retain adequate levels of intervisibility between pedestrians and vehicles. Despite the land levels at this junction, a sufficient area of the grass verge would remain to ensure the presence of the

proposal would not significantly intrude on sight lines, including for those vehicle users entering and exiting Newfield Drive to and from Roman Road.

12. For the reasons given, the siting and appearance of the proposal would not cause significant harm to highway safety. This represents a lack of harm, which is neutral in the planning balance.

Siting and Consideration of Alternative Sites

13. Paragraph 114 of the Framework makes it clear that planning decisions should support the expansion of electronic communications networks, including 5G. This is also acknowledged by supporting documents provided with the appeal. Paragraph 117 of the Framework further states that applications for electronic communications development, including for prior approval under the GPDO, should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.
14. The appellant has outlined that the proposal would aid expansion of communications networks by addressing current insufficient capacity in the immediate area, and refers to economic and social benefits for local businesses and communities including meeting the increased need and demands of home working. I have had regard to these benefits.
15. However, while the appellant has referred to the sequential approach for site selection, limited information has been provided in discounting alternative locations. It is not fully clear on the limited justifications given why discounted sites are considered more harmful than the appeal site, particularly those stated to be 'close to residential housing' which would also be the case for the appeal site. In addition, the alternative location identified as D5 has been discounted due to a narrow pavement when no pavement exists here, simply a grass verge.
16. At my visit I noted a mast on Newfield Drive, a short distance from the site and close to the target/search area. The Council has also drawn my attention to this apparatus. I have no further details on this installation and acknowledge that the infrastructure required to provide 5G coverage may be different from older installations. However, while a general reference has been made by the appellant to existing mast sites not being capable of supporting additional equipment, this particular mast was highlighted by the Council and not directly addressed in the appellant's submissions. As such I have no substantive evidence that it would be unsuitable for sharing.
17. For the reasons given, I cannot be certain that other suitable alternative sites have been fully and robustly considered. Accordingly, on the information before me, the need for the installation to be sited as proposed, taking into account any suitable alternatives, does not outweigh the identified harm that would occur to the character and appearance of the area due to the siting and appearance of the proposal.

Conclusion

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

C Rafferty

INSPECTOR