



Appeal Decision

Site visit made on 17 November 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2023

Appeal Ref: APP/A2335/W/23/3323305

Scale Hall Lane Street Works, Scale Hall Lane, Lancaster LA1 2RP

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Gallivan of CK Hutchison Networks (UK) Limited against the decision of Lancaster City Council.
 - The application Ref 22/01579/PAM, dated 21 December 2022, was refused by notice dated 8 February 2023.
 - The development proposed is Proposed 5G telecoms installation: H3G 17m 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 principle of development is established by the Order and the provisions of Schedule 2, Part 16, Class A of the Order do not require regard be had to the development plan. I have had regard to the Policies DM29 and DM59 of the Lancaster District Local Plan Part Two¹ (Local Plan) and the National Planning Policy Framework (the 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; and if any harm is identified whether that harm would be outweighed by the need for the installation and the lack of less harmful alternative sites.

¹ A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adopted July 2020

Reasons

Character and Appearance

5. The appeal site is located on a footway adjacent to a forecourt parking area serving a convenience store on the junction of Scale Hall Lane with West Drive and Torrisholme Road. This section of footway contains a bus shelter, litter bin and a street lighting column. The parking area is delineated from the footway by a row of low bollards. The surrounding area is predominantly residential in nature, characterised by single storey and two storey houses set back from the highway by driveways and front gardens. Low boundary walls and hedges and an absence of tree cover close by gives the area an open and spacious feel.
6. The proposed location for the 17m high monopole and associated base cabinets would be sited close to the bus stop and streetlight. The monopole's height and relative bulk compared to the streetlight columns and other structures such as the nearby bus shelter and street lighting pole would appear out of scale and out of keeping in this residential location. The base cabinets would exacerbate the adverse visual impact of the installation appearing bulky and obtrusive and adding to the visual clutter of other existing cabinets and advertisement panels on the junction.
7. The appearance of the installation would not be mitigated by painting the equipment grey, as this would not alter the fundamental issue of the scale, height and siting of the installation, which set against the openness of the forecourt, would fail to integrate the development into the area. Accordingly, having regard to its scale, height, prominent position, the proposed installation would be an incongruous feature, which would adversely affect the character and appearance of the street scene and wider area.
8. Therefore, insofar as they are a material consideration, the proposal would be contrary to the aims of Local Plan Policy DM59 which states that installations are sited and designed to minimise their impact on landscape character and visual amenity, and proposals do not have a detrimental effect upon the character and appearance of buildings and local amenity, with new equipment sharing existing facilities where feasible.
9. There would also be conflict with Local Plan Policy DM29 which seeks to ensure new development contributes positively to the identity and character of the area through good design having regard to, amongst other things, appropriate siting and scale. The proposal would also conflict with the aims of the Framework in achieving well designed places and would be contrary to the Framework Paragraph 115 (within Section 10) which requires new telecommunications sites to be sympathetically designed and camouflaged where appropriate.
10. I accept that the appeal site location does not lie within a conservation area. However, this does not diminish the harm to character and appearance arising from the proposals siting and appearance that I have identified above.
11. Consequently, I conclude that the siting and appearance of the proposal would be harmful to the character and appearance of the surrounding area and as such would be contrary to Local Plan Policies DM29 and DM58, the design aims contained within Section 12 of the Framework and also Section 10 of the Framework relating to communications.

Alternative Sites

12. For a new mast or base station paragraph 117 c) of the Framework requires the developer to submit evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure. The appellant states that the cell search area is constrained with options limited, and that the proposed location is the only viable option. The appellant has considered and discounted a number of other sites.
13. The appellant states that opportunities for site sharing have been investigated and exhausted, with there being no suitable structures or properties in the designated search area that could facilitate a rooftop or site share installation. However, the level of detail for the discounted options is somewhat limited with a lack of justification for each discounted site and why they would be more harmful than the appeal site. A number have been discounted due to proximity to residential properties. As detailed above the appeal site is also located close to residential properties. Furthermore, I have not provided sufficient detail as to why the monopole could not be sited more discreetly elsewhere.
14. I am therefore not satisfied that a thorough review of possible site options within the cell search area has been conducted. As a result, the harm I have identified to the character and appearance of the area is not outweighed by the needs for the installation to be sited in the proposed location.
15. Consequently, based on the evidence before me, even accounting for the importance that the Framework places on the need for high quality mobile communications, the need for the installation in the location proposed has not been sufficiently demonstrated to outweigh the harm to the character and appearance of the area I have identified.

Conclusion

16. In coming to my decision, I have had regard to the advice in the Framework in respect of the installation of telecommunications equipment. Approval of this application would help to provide reliable and efficient digital communications to help meet the needs of businesses and communities, enabling business users to efficiently work wherever they are located. However, these benefits would not outweigh the harm that I identified above.
17. Consequently, for the reasons given, I consider that the siting and appearance of the proposal would be unacceptable. The appeal should therefore be dismissed.

K L Robbie

INSPECTOR