



Appeal Decision

Site visit made on 7 November 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/J0540/W/23/3322898

Burghley Road Street Works, Peterborough PE1 2QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 2(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 CK Hutchison Networks (UK) Limited against the decision of Peterborough City Council.
 - The application Ref 22/01450/PRIOR, dated 13 October 2022, was refused by notice dated 6 December 2022.
 - The development proposed is described as "Proposed 5G 15m telecoms installation: H3G 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 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. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies 16 and 19 of the Peterborough Local Plan 2019 (LP) are material considerations insofar as they relate to issues of siting and appearance as well as heritage assets. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and includes a section on supporting high quality communications.
5. Since the determination of this application, the Government published a revised the Framework in September 2023, replacing the version published 20 July 2021. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

6. The main issues are:

- i) the effect of the siting and appearance of the proposal on the character and appearance of the surrounding area, with particular regard to whether it would preserve or enhance the character or appearance of the Park Conservation Area (CA); and
- ii) whether any harm caused would be outweighed by any benefits of the proposal, including the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

Character and appearance

- 7. The appeal site is located on a paved area at the back edge of the pavement on Burghley Road, in between St. Mark's Street and Park Road. This lies at the wide roundabout junction which intersects Burghley Road with Park Road and Burghley Square. Street furniture is not uncommon in the area, with streetlamps and road signs on, and around the junction. Street trees are present on the opposite side of Burghley Road and mature trees present along Park Road and Burghley Square which contribute to the verdant character of the locality. A single storey outbuilding, with a pitched tiled roof is positioned directly behind the appeal site. A wooden fence, up to the height of its eaves, is positioned directly adjacent to the building.
- 8. The appeal site is near the edge of, but within the Park CA. This is a relatively large conservation area that covers a predominantly residential area, although I also observed a number of commercial uses, shops, parks and churches. Property types vary throughout the CA, and in the locality of the appeal site. No. 10 Burghley Road, Nos. 123 and 150 Park Road and 79 Broadway are locally listed by the Council, which are non-designated heritage assets. In addition, the Council states that the nearby Burghley Club is considered to meet the criteria for the local list. These non-designated heritage assets provide a backdrop to important views within the CA and contribute positively to its significance.
- 9. The roundabout at the junction of Park Road and Burghley Road is a main traffic and pedestrian route, which provides access through and appreciation of the identified non-designated heritage assets and the CA. The significance of the CA stems from its layout as a model housing area, including public parks. Tree planting is common throughout the CA, contributing to its special character. Two small areas of parkland situated to the east are visible from the appeal site, and contribute positively to the spacious and verdant character of this part of the CA. The appeal site, currently being an area of hardstanding, has a neutral contribution to the CA.
- 10. The proposal includes the erection of a 15m tall mast with three cabinets of varied sizes, that would be sited in a row. The proposed mast and its associated cabinets would be positioned in a prominent position, close to, and readily visible from, the adjoining roads for some distance. Furthermore, the

proposal would create a sense of clutter on this junction to the detriment of the spacious and verdant character of the area.

11. Although there are tall features, such as trees, streetlights and signage within the adjoining streets, these are not similar to the proposal, and would not relate well with it. In particular, the trees around the locality provide a soft verdant character, and street furniture is much shorter and more slender in its proportions than the proposal. These features are therefore not visually intrusive. In contrast, and whilst I recognise that the mast is narrower than some mast types, its height would be a dominant and intrusive feature that would project significantly over the height of the adjacent single storey building.
12. The proximity of the proposal to the roadside would further contribute to its visual dominance as perceived by passing drivers and pedestrians. Moreover, its functional utilitarian design and colour for the mast, antenna and cabinets would be incongruous within the CA and would not reflect its surroundings and, therefore, would be incongruous within the CA and harm the appreciation of it.
13. The siting and appearance of the mast and its associated cabinets would therefore harm the character and appearance of the surrounding area and would not preserve or enhance the character of the CA. Consequently, the proposal would fail to meet the requirements of S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). In so far as they are a material consideration, the proposal is therefore contrary to Policies 16 and 19 of the LP and Chapter 16 of the Framework. These policies require, amongst other things, high quality design that preserves or enhances local character.

Alternative Sites

14. Paragraph 117 of the Framework sets out that evidence must be supplied to demonstrate that alternatives have been taken into consideration. The appellant has undertaken a sequential approach to site selection with all the alternatives discounted.
15. The Council has not disputed the appellant's need for improved 5G coverage, and I see no reason to take a different stance. For new masts, the Framework requires evidence be provided that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structures.
16. The supporting information refers to six discounted alternative site options for the proposed development. The reasons given as to why these sites have been discounted include insufficient space, proximity to housing and effects upon visibility splays. However, the reasons are brief and unsupported by any further evidence to suggest why they would be more harmful than the appeal scheme. Furthermore, within the search area it appeared there were potentially other sites that could be considered. On this basis, I consider that the appellant's sequential approach is not sufficiently robust. Therefore, I cannot be satisfied that this is the only site on which the development could be located or that the discounted options are the only reasonable alternatives that could have been considered.

Planning Balance

17. Due to the scale of the proposal and its effects, I find that it would cause less than substantial harm to the significance of the CA. Under such circumstances,

Paragraph 202 of the Framework states that this harm should be weighed against the public benefits of the proposal.

18. The proposal would improve the provision of a 5G network in this location, with associated benefits including faster and more reliable 5G connectivity. In turn it would contribute to economic growth in the UK, improve connectivity in society and serve potential new technologies. I acknowledge that the proposal to provide coverage in this geographical area is part of a wider whole and that the network would be undermined by gaps in coverage. I consider that the public benefits arising from this particular proposal would be moderate, but they would not be sufficient to outweigh the less than substantial harm to the significance of the heritage asset, to which I must give great weight in accordance with Paragraph 199 of the Framework.
19. In light of the above, the considerable importance and weight I attach to the harm outlined above would not be outweighed by the public benefits of the proposal and the need for it to be sited at this location. No clear and convincing justification for the harm to the designated heritage assets has therefore been provided and the proposal would fail to comply with Section 72(1) of the Act. I have also been mindful of Policies LP16 and LP19 of the LP, and the Framework, which the proposal would conflict with.

Conclusion

20. In conclusion, the siting and appearance of the proposed development would cause harm to the character and appearance of the surrounding area, and would not preserve or enhance the character or appearance of the Park CA. Given suitable alternatives have not been properly explored, this harm is not outweighed by the need for the installation to be sited as proposed. As such, I find the siting and appearance of the proposed development to be unacceptable.
21. The appeal is dismissed.

R Gee

INSPECTOR