



Appeal Decision

Site visit made on 22 November 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 28 December 2023

Appeal Ref: APP/M2325/W/23/3323333

Lima Road Streetworks, Saint Anne's on Sea FY8 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to approval required under Article 3(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 Fylde Borough Council.
 - The application Ref 22/0948, dated 21 December 2022, was refused by notice dated 10 February 2023.
 - The development proposed is a 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 2015), under Article 3(1). As directed by Schedule 2, Part 16, Class A, Paragraph A.3(4), I have assessed the proposed development solely on the basis of its siting and appearance, taking into account any representations received. There is no requirement to have regard to the development plan as there would be for development requiring planning permission.
3. There is a discrepancy in the appellant's representations concerning the colour of the proposed installation and the style of equipment cabinets. The proposed installation is described as both green and grey within different sections of the evidence. Moreover, the style of the equipment cabinets is described as 'wraparound', whereas the plans show that they are separate from the proposed street pole. I have assessed the proposed installation based upon the plans that the Council used to determine the application, which show the proposed siting of the cabinets and the proposed installation as grey.

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 the living conditions of residents of 7 Beauclerk Road, 6 and 8 Lima Road and Sunningdale Court with regard to outlook; 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 proposed installation would be sited on the edge of a triangular area of grass close to the junction between Lima Road and Beauclerk Road, within the public adopted highway. Residential properties in the area are of varying size and design, for example the nearest properties are, 7 Beauclerk Road which is a bungalow, 6 and 8 Lima Road which are semi-detached dwellings and Sunningdale Court is an apartment block which varies in height up to three and a half storeys. Although the grass currently accommodates a small control box, it is open and verdant in character and provides a transition between dense residential development and Royal Lytham & St Anne's Golf Club. The boundary treatment of this part of the golf course is a short chain link fence with vegetation growing behind. The only trees in proximity to the site appear to be growing on private land associated with neighbouring properties and the golf course.
6. Whilst the height of the proposed street pole is the lowest required for an improved service, it would be thicker and approximately two and a half times taller than nearby lampposts. Due to the height of the proposed street pole and its siting, it would be prominent in long distance views, along both Lima Road and Beauclerk Road, as well as across the golf course. The proposed equipment cabinets are also much larger than the existing control box. Also, cumulatively the cabinets as well as the street pole would clutter the open grassed area. The proposed installation would therefore appear dominant and out of character with the area.
7. Telecommunications equipment has become a common feature of the urban landscape. Nonetheless, in this instance, it would be viewed against the verdant setting, and its utilitarian appearance coupled with the height of the proposed monopole and size of the proposed cabinets would be over-dominant and incongruous within the street scene.
8. Whilst there are a few large trees close to the appeal site, including those within the grounds of Sunningdale Court, the extent of these trees cannot be guaranteed in perpetuity, as they could be subject to pruning or removal. In any event, the existing trees would only offer partial screening of the proposed installation in views from Sunningdale Court and offer limited screening in views from Beauclerk Road and Lima Road. Furthermore, the proposed installation is taller than all the neighbouring trees and lampposts. Therefore, it would not assimilate with existing street furniture or trees.
9. I note that the proposed siting is not in a conservation area, or within an area subject to a restrictive environmental designation, and no surrounding trees are subject to a Tree Preservation Order. However, this does not alter my assessment on the acceptability of the appeal proposal.
10. Policy DH1 of the Saint Anne's on the Sea Neighbourhood Development Plan 2016-2031 (NP), and Policies INF1 and GD7 of the Fylde Local Plan to 2032 (LP), December 2021 are material considerations as they relate to issues of siting and appearance. In particular, they require new developments to be appropriate and sympathetic to the character of the local area. The National Planning Policy Framework (the Framework) is also a material consideration. Within paragraph 119 of the Framework, it indicates that equipment should be

sympathetically designed and camouflaged where appropriate. Overall, the proposed installation would have a harmful effect on the character and appearance of the area and would therefore conflict with these policies and the Framework.

Living conditions

11. The siting of the proposed installation would be close to 7 Beauclerk Road, 6 and 8 Lima Road and a two storey section of Sunningdale Court, which accommodates several apartments. Currently occupants of these properties enjoy long ranging views from their front windows either along Beauclerk Road or toward the golf club, due to the low boundary treatments. The existing vegetation would provide limited screening and, as above, the extent of this vegetation could not be guaranteed in perpetuity.
12. The proposed street pole would be sited very close to the boundary of 7 Beauclerk Road, which is a bungalow. There are two large windows which would look toward the proposed street pole, from a short distance. Given the height of the street pole, it would tower over 7 Beauclerk Road and would appear imposing when viewed from that property. The proposed cabinets would also be relatively tall and would be sited close to the front windows of 7 Beauclerk Road. The height and additional massing of the cabinets, close to the property's boundary, would also appear imposing. As such, the proposal would be overbearing on the residents of 7 Beauclerk Road.
13. Similarly, the proposed street pole and cabinets would be sited close to 6 and 8 Lima Road and a two storey section of Sunningdale Court. The proposed street pole would also be significantly taller than these properties. They also have windows which look towards the siting of the proposed street pole and cabinets. However, Lima Road would separate these properties from the proposed installation. Whilst the proposed installation would alter resident's outlook from these properties, given the distance between the front windows and the proposed installation it would not be to an extent that it is unacceptable.
14. LP Policy GD7 is a material consideration. In particular, where it requires proposals to ensure that amenity will not be adversely affected by neighbouring uses and mitigate any environmental impacts of new infrastructure provision. Overall, the proposed installation would have a harmful effect on the living conditions of occupants of 7 Beauclerk Road, with regard to outlook, and would therefore conflict with LP Policy GD7.

Need for siting

15. The rationale for the proposed installation is to extend 5G coverage in the area and facilitate robust, reliable, and efficient digital communications. The appellant has demonstrated that the proposed siting lies within an area of coverage deficiency which the proposal seeks to infill. The appellant identified a relatively constrained search area; however, the proposed siting is outside but close to the boundary of the area. Despite not being located within the search area, the appellant is confident that the proposed installation would extend 5G coverage in the surrounding area; this is not disputed by the Council. On the evidence before me, I consider that there is an identified need for the proposed installation to be located within or very close to the search area.

16. Paragraph 121 of the Framework requires applications for this type of development to include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or structure. The appellant contends that it would not be possible to use existing masts, buildings, or other structures. The Council has identified three opportunities to locate the proposed antenna on existing buildings or a mast, two of which are a significant distance from the search area and the third relates to a permitted mast which has not been erected. As such, these options are not considered to be appropriate. During my site visit I did not observe any additional, suitable buildings, masts, or structures which an antenna could be attached to. Based on the evidence provided and my observations, I consider that a suitable assessment of existing buildings, masts and structures has been undertaken.
17. Several alternative locations for the proposed installation have been discounted by the appellant. Although the appellant has stated that the alternative locations are not suitable because they are in a residential area and the pavement is unsuitable, limited specific evidence has been provided to substantiate why the alternative sites would be unviable. During my site visit, I observed all of the suggested alternative locations for the proposed installation. It is not clear why some of these sites are not preferable to the proposed siting, as they are located on roads with either wide footpaths or grass verges, further from residential development than the siting proposed. In addition, the map provided shows the search area, and its surrounds, covers an urban area, with many roadside locations available. Furthermore, some of these alternatives are in areas which are not a transition between dense residential development and an open, more verdant area, such as a golf course. As such, they may represent a more appropriate location than the siting proposed.
18. In the absence of clear and persuasive evidence as to why alternative locations have been discounted, I am unable to establish that the proposed siting is the most appropriate. Overall, I am not satisfied that less harmful alternative locations do not exist. The proposal would therefore be contrary to the Framework.

Other Matters

19. Whilst I acknowledge that there are wider social and economic benefits that would arise from the proposal, the GPDO 2015 is clear that the only considerations should be the siting and appearance of the proposed installation. Therefore, these benefits have not been considered when assessing the acceptability of the appeal proposal.
20. In accordance with the LP and the Framework, I note that planning decisions should support the expansion of electronic communications networks and authorities should not impose a ban on new electronic communications development or seek to prevent competition between different operators. Also, the Council is supportive of high quality communications infrastructure and recognises the importance of reliable and efficient digital communications. Furthermore, local planning authorities were encouraged to support the expansion of telecommunications by DCMS¹ in an August 2020 letter. Nonetheless, these factors do not alter my assessment of the acceptability of the appeal proposal.

¹ Department for Digital, Culture, Media and Sport

21. The appeal decision² put before me does not set a precedent for the proposed installation. Based on the evidence provided, that decision relates to whether the proposed installation would cause excessive clutter on the footway disrupting pedestrian movements. The disruption of pedestrian movements is not a matter of dispute in this appeal, both main parties accept that it would be located off the footpath. In any event, I am not familiar with all of the circumstances of the case and I am mindful that all planning decisions should be made based on their individual merits.

Conclusion

22. As the siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the area, and the living conditions of residents of 7 Beauclerk Road, with regard to outlook, and I am not satisfied that less harmful alternatives do not exist, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR

² Appeal Ref. APP/A5840/W/20/3254830