



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/23/3323257

Kilnhouse Lane Streetworks, Lytham St. Annes FY8 3BN

- 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, 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) Ltd against the decision of Fylde Borough Council.
- The application Ref 22/0919, dated 13 December 2022, was refused by notice dated 2 February 2023.
- The development proposed is a 5G telecoms installation including a H3G 20m street pole and additional equipment cabinets.

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 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 style of the equipment cabinets. They are 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.

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 63 Blackpool Road North, 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 within a very narrow grass verge close to the junction between Blackpool Road North and Kilnhouse Lane, within the

public adopted highway. Both are wide, relatively straight roads and include lampposts. This side of Blackpool Road North is tree-lined, albeit there are no trees in proximity to the proposed siting. The proposed siting is near to a small area of public open space, a cleared site, bungalows, and a few commercial properties. These features combine to create a relatively open, suburban character.

6. Whilst the height of the proposed street pole is the lowest required for an improved service, it would be significantly taller and thicker than nearby lampposts and over three times taller than 63 Blackpool Road North, the nearest property. When viewed against nearby bungalows on both Blackpool Road North and Kilnhouse Lane, the vast scale of the proposed installation, compared to other features in the vicinity, would appear as a dominant feature and out of character with the suburban setting. Moreover, given the characteristics of the road and the siting close to the road junction, the proposed installation would be conspicuous in the street scene.
7. The extent of the trees in proximity of the proposed installation cannot be guaranteed in perpetuity as they could be subject to pruning or removal, which would be outside of the appellant's control. Regardless, the proposed street pole would be significantly taller than the existing trees; therefore, they would only provide limited screening of the lower section of the proposed street pole.
8. 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.
9. Policy DH1 of the Saint Anne's on the Sea Neighbourhood Development Plan 2016-2031, and Policy 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

10. The proposed siting is in proximity to No 63's low boundary wall which has vegetation behind. Photographic evidence shows that this vegetation is dense in the summer months and would provide some level of screening. However, it is deciduous and during my site visit, in late autumn, I observed that the vegetation would provide limited screening. Furthermore, as above, the presence of this vegetation cannot be guaranteed in perpetuity as it could be subject to pruning or removal, and this is outside of the appellant's control.
11. No 63 is a bungalow with large windows in the front elevation of the property, looking directly toward the proposed siting of the installation. The property has a modest sized front garden. The proposed installation would be sited very close to these windows and due to its height and massing it would tower over No 63 and would be overbearing for its residents.

12. Overall, the proposed installation would have a harmful effect on the living conditions of residents of No 63, with regard to outlook. The proposed installation would therefore conflict with LP Policy GD7 as far as it indicates that the amenity of neighbouring uses shall not be adversely affected by neighbouring uses.

Need for siting

13. 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. On the evidence before me, I consider that there is an identified need for the proposed installation to be located somewhere in the search area.
14. Paragraph 121 of the Framework advises that applications for electronic communications development should be supported by evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or structure. The appellant has indicated that this is not possible, in this instance. Also, several alternative locations for the proposed installation have been discounted by the appellant, as they are in a residential area and the pavement is unsuitable.
15. Although the appellant has indicated that it is not possible to erect an antenna on an existing building, mast or structure and alternative locations are not suitable, limited specific evidence has been provided to substantiate their reasoning. The commercial properties opposite the appeal site are tall, flat roofed and sited away from residential properties. They could therefore be a more appropriate siting for the proposed installation and there is no evidence before me, to indicate why it could not be sited there.
16. 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 wide footpaths, further from residential development than the siting proposed. In addition, the map provided shows the search area covers an urban area, with many roadside locations available.
17. In the absence of clear and persuasive evidence as to why the antenna could not be erected on an existing building, mast or structure or why alternative locations have been discounted, I am unable to establish that the proposed siting is the most appropriate. Therefore, overall, I am not satisfied that less harmful alternative locations do not exist. The proposal would therefore be contrary to the Framework.

Other Matters

18. 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.
19. 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.

20. LP Policy INF7 is listed within the reason for refusal on the decision notice. This policy does not relate to either the effect of proposals on the character and appearance of the area or living conditions of residents. Therefore, it is not a material consideration in either of the main issues.
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 the circumstances of that 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 63 Blackpool Road North, 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

¹ Department for Digital, Culture, Media and Sport

² APP/A5840/W/20/3254830