



Appeal Decision

Site visit made on 5 December 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2024

Appeal Ref: APP/V2004/W/23/3323241

Howdale Road Street Works, Howdale Road, Hull HU8 9UU

- 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 Order).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Kingston-Upon-Hull City Council.
 - The application Ref 22/01630/TEL, dated 30 November 2022, was refused by notice dated 1 February 2023.
 - The development proposed is 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 application form is not clear as to whether the application was made in the name of a person or agent. The appellant's submissions are clear that the application was made in the name of the company only.
3. The proposed development was originally described as *Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets*. The appeal form does not indicate that a change was agreed, but it is clear that the proposal was amended to detail a 15m street pole. I have therefore amended the description of development in my banner heading accordingly, excluding words that are not acts of development.
4. The provisions of the Order 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.
5. In addition, the provisions of the Order do not require that regard be had to the development plan. The National Planning Policy Framework (the Framework) and policies of the development plan are relevant insofar as they are material considerations pertaining to matters of siting and appearance. Policies 14 and 24 of the Hull Local Plan (2017) are clearly identified within the Council's reasons for refusal, which among other things seek to ensure a high-quality environment and that utility equipment is sited so as to minimise its impact on the visual amenity of the surrounding area. The Framework includes a section on supporting high quality communications.

6. The Framework was revised in December 2023. The most pertinent text of the Framework is unchanged. In these circumstances, neither party is prejudiced by a lack of further consultation in this regard.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposal on a) the character and appearance of the area and b) the living conditions of neighbouring occupiers 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

8. The appeal site is within a residential area and comprises an area of footway to the northern side of Howdale Road. The area is characterised by two-storey detached and semi-detached properties with modest front gardens with low boundary treatments towards the highway. The footway is separated from the carriageway by a grassed highway verge. Together these factors combine with street trees to give the area an open and verdant character.
9. The proposed installation would be sited at the back of the footway, which meets the open railings (about 1m high) which form the boundary to the public open space known as Wimpey Fields, behind which are some trees of about 4m and 8m in height. There are no street trees within the highway verge along this northerly section of the road.
10. The easterly section of the highway verge near the entrance to Wimpey Fields includes a telegraph pole about 8m high, and a radar speed awareness sign. The westerly section includes a street lighting column about 8m high sited very close to the entrance within the highway verge, and a small sign mounted on a 1.8m pole within Wimpey Fields facing the footway. In addition, there is a litter bin and bus shelter with safety railings a little further towards the west, sited at the kerb edge, and further street lighting columns beyond, all except one sited within the highway verge. There is a notice board beyond the bus shelter within Wimpey Fields facing the footway.
11. Consequently, views along this northerly section of Howdale Road from either direction include numerous items of street furniture which undermines the open character of the area to a considerable degree.
12. The proposed street pole would include a wraparound cabinet, with a width/depth of about 0.5m at its base, positioned on the easterly side of the entrance to Wimpey Fields. The installation would include three associated equipment cabinets, sited adjacent to each other, with a small gap between the first cabinet and the proposed street pole. Having regard to the proposed height, width and depth of each cabinet, they would form a combined width of about 3.2m, with the tallest being about 1.75m high.
13. Due its siting and height, the proposed street pole would be a significantly taller feature than nearby dwellings and the other columns, poles and trees within the area, although I acknowledge that the proposed height is the minimum necessary for its purpose. Whilst street poles are designed to be as slim as possible, its width and depth to include the wrap around cabinet would

still be much wider than other columns and poles. Consequently, by itself, the proposed street pole and wrap around cabinet would form an intrusive feature within the line of the existing footway and the wider street scene.

14. The associated cabinets would increase the overall bulk of the proposal resulting in a prominent feature within the street scene and within the existing line of the footway. In combination with the existing street furniture, the degree of intrusion to the street scene arising from the installation as a whole would be significant. The use of a grey colour would not overcome this degree of intrusion. Furthermore, the trees within Wimpey Fields are of a much smaller height than the proposed street pole and would not provide adequate screening of the proposal in views from either direction along this section of the road even when in full leaf.
15. The installation would occupy over half of the existing width of the footway. Although the proposal includes ancillary works to permanently widen the footway in order to accommodate pedestrian movements, this would be achieved by encroaching into the existing highway verge, undermining the character of the area.
16. The fact that the proposal is not within a conservation area nor subject to any environmental designations is a neutral factor in my assessment, offering no weight for or against the proposal.
17. Overall, the proposed installation would have a harmful effect upon the character and appearance of the area.

Living Conditions – neighbouring occupiers

18. On the opposite side of the road to the appeal site are the semi-detached two storey dwellings at Nos 145-151 Howdale Road (odd numbers), with modest frontages and little planting, bounded by short open railings. These properties have ground and first floor windows which serve habitable rooms with views towards the appeal site, and there are no intervening street trees. The most direct views towards the installation would be from Nos 145 and 147.
19. Due to its height, width and depth, the proposed street pole would appear prominently in view from the windows of these properties with some degree of variance depending on the angle of view. Views from the ground floor of these properties would include the three cabinets as well as the other street furniture near the entrance to Wimpey Fields. In this regard the outlook from these properties would be significantly diminished, whereby the direct view would include the full width of the installation in addition to the existing street clutter.
20. No 143 Howdale Road is sited perpendicular to the highway, further east of the appeal site. The side/rear boundary to No 143 comprises tall brick walling, and thus views from the ground floor rear windows towards the appeal site are impeded. Its rear elevation includes windows serving habitable rooms at the first floor, from which the upper portion of the proposed street pole would be in view, but such views would be very limited. An existing street tree within the highway verge near this property would provide some degree of screening when in leaf.
21. Having regard to all of the above, the proposal would harm the living conditions of neighbouring occupiers at Nos 145-151, with regard to outlook.

Alternative Sites

22. The proposed installation is necessary to provide new 5G coverage. Given the harm I have found above, other siting options are an important consideration.
23. The appellant states that no mast/site sharing opportunities or existing buildings/structures were identified within the target area, and therefore a ground-based solution was sought. The appellant's evidence refers to six alternative sites. The reasons for discounting sites include narrow or unsuitable pavements, and a reason described as 'planning and build issues', for which there is no further detail.
24. Whilst I recognise that there may be limitations in respect of some of the alternative sites, the reasons given for discounting them are brief and unsupported by any further evidence to demonstrate why they would be more harmful than the appeal scheme or are not viable. Furthermore, given that the proposal before me includes associated works to widen the footway, it is not sufficiently clear why other sites with narrow pavements would be more harmful than the appeal site.
25. I note the support in the Framework and by the Government for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced within the Framework.
26. However, I must balance this against the objective of ensuring that telecommunications equipment is sympathetically designed and the overarching objective of achieving well-designed and beautiful places. I accept that such installations have a necessary functional appearance.
27. In summary, the proposed installation would result in harm to the character and appearance of the area and the living conditions of neighbouring occupiers, to which I attach significant weight, and I am not satisfied that less harmful alternatives have been properly discounted. For these reasons I find the siting and appearance of the proposed installation to be unacceptable. It is clear that the harm I have identified is not outweighed by the need for the installation to be sited as proposed.
28. Overall, based on all of the evidence before me, I am not satisfied that the appeal proposal represents the least harmful option.

Conclusion

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

J Moore

INSPECTOR