



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/23/3323249

Beverley Road Street Works, Beverley Road, Hull HU6 7YA

- 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 22/01641/TEL, dated 2 December 2022, was refused by notice dated 1 February 2023.
 - The development proposed was originally described as proposed 5G telecoms installation: H3G 20m 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 submissions of the Council and interested parties suggest that the siting of additional equipment cabinets and/or the colour of the installation was revised after the Council's Committee Report was prepared. However, these matters are not referenced in the appellant's submissions, nor are there any amended plans before me. I have therefore considered the appeal on the basis of the proposal as submitted.
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. Policy 24 of the Hull Local Plan (2017) is clearly identified within the Council's reason for refusal and seeks to ensure 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 the living conditions of neighbouring occupiers at Nos 1208-1214 Beverley Road (even numbers) 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

Living Conditions

8. The appeal site forms part of a lengthy highway verge along the A1079 Beverley Road, opposite the junction to Downfield Avenue.
9. The proposed 20m street pole with wraparound cabinet would be sited centrally within the highway verge between two planting beds. The pole would be the minimum height necessary to meet operational requirements. The proposed installation includes three associated equipment cabinets, sited adjacent to each other in a line towards the northerly planting bed, with a small gap between the first cabinet and the proposed street pole.
10. The planting beds include shrubbery and some trees which are about 13m high. A CCTV street pole about 8.5m high is sited within the verge, in line with the boundary between Nos 1212 and 1214 Beverley Road and the short edge of the northerly planting bed. Due to its black colour, siting, width, depth and height, the CCTV pole appears as a striking feature when approaching along the carriageway or footway. The verge includes street lighting columns of a considerable height, in light grey colour, sited near to the kerb edge. The footway includes slimline street lighting columns about 4m high, also in light grey. The proposed street pole and cabinets in a grey colour would not appear unduly harmful in such a context, adjacent to a dual carriageway with a deep highway verge.
11. However, due to the topography and layout of the area, properties at Nos 1208-1214 Beverley Road (evenly numbered), are sited at a much lower level than the carriageway, with the highway verge sloping down towards the footway which then meets the low boundary railings of modest front gardens. The Council states that the verge is about 1 to 1.5m above the level of the gardens. From what I saw that appears to be a reasonable assessment.
12. Nos 1208 and 1210 are semi-detached bungalows, and Nos 1212 and 1214 are two storey detached properties. The entrance doors to Nos 1208 and 1212 are within the flank elevation. All four properties have windows serving habitable rooms within the elevations facing the footway (the front elevations) which offer views towards the appeal site. Consequently, the general outlook from the front elevations of these properties is of a grassed highway verge rising to meet the carriageway above, with the two planting beds and a CCTV street pole.
13. The proposed street pole would be about 0.5m wide/deep. Due to its siting, it would be directly opposite the living room and bedroom windows of No 1212.

The three cabinets would be sited opposite the gap between Nos 1212 and 1214. The tallest cabinet would be about 1.75m high, 1.9m wide, and 0.6m deep. The second tallest would be about 1.585m high, 0.6m wide and 0.5m deep, and the shortest would be 0.95m high, 0.65m wide and 0.7m deep. Thus, their combined width would be about 3.2m, with the CCTV pole sited nearby, but closer to the carriageway.

14. The proposed street pole would be about 22m from the front elevation of No 1212 and about 10.5m from its front garden. Due to its elevated position, its lower portion (including the wraparound cabinet) would be in prominent view from the living room window, and the upper portion would be in direct view from the bedroom window. Such views would include the CCTV street pole. Due to their respective heights and widths, together with their elevated position, the cabinets would also be prominently in view from the living room window of No 1212. Consequently, the proposal would result in unacceptable cumulative harm upon the outlook from No 1212.
15. The angle of view towards the proposed installation from No 1214 would be less direct, but the installation would still be in prominent view from the living area nearest to the installation, together with the CCTV pole.
16. The angle of view from the windows serving the living areas to the bungalows at Nos 1208 and 1210 would be indirect and the degree of intrusion would be limited.
17. Due to its siting between the two planting beds, and the relationship to the windows of the four neighbouring properties, the existing trees and shrubbery within the verge would not screen views towards the proposed installation from these properties.
18. Having regard to all of the above, I conclude that the proposal would harm the living conditions of neighbouring occupiers at Nos 1212 and 1214 Beverley Road (even numbers), with regard to outlook.

Alternative Sites

19. The proposed installation is necessary to provide new 5G coverage. Given the harm I have found above, other siting options are an important consideration.
20. 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 five alternative sites. The reasons for discounting alternative sites include narrow pavements not suitable for telecommunications equipment, as well as proximity to residential properties and visibility concerns. 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.
21. During my visit, I saw that site D3 includes an extensive area of pavement that could not be considered as narrow. The pavement at this site appeared no narrower than that serving other installations in the wider area.
22. Interested parties also refer to a number of other potential locations which have not been considered by the appellant, including locations away from

residential properties and further along the highway verge. I note that one such site is the highway verge directly opposite to the appeal site, where the proposed installation would not be in such direct view of residential properties. Consequently, I am not satisfied that all alternative sites have been identified and thoroughly explored, nor that the appeal site would be the least harmful option.

23. 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.
24. However, I must balance this against the requirement for equipment to be sympathetically designed and the overarching imperative in the Framework for development to achieve well-designed and beautiful places. I also note that such installations have a necessary functional appearance.
25. In summary, the proposed installation would result in harm to the living conditions of neighbouring occupiers, with regard to outlook and I am not satisfied that less harmful alternatives have been fully explored and 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.
26. Overall, based on all of the evidence before me, I am not satisfied that the appeal proposal represents the least harmful option.

Other matters

27. 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.

Conclusion

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

J Moore

INSPECTOR