



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/23/3323260

Pickering Road Street Works, Pickering Road, Hull HU4 7AB

- 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 22/01629/TEL, dated 30 November 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. An interested party suggests that in light of the appeal start date in September 2023, the appeal was made outside the prescribed period. However, I am satisfied that the appeal was submitted on 30 May 2023, within the prescribed period.
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 regard to 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, safety and use 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 living conditions of neighbouring occupiers with regard to outlook, and b) highway safety; 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 is an area of highway verge on the easterly side of Pickering Road, which is about 2m wide from the kerb to the adjacent footway. There is a further deeper verge on the other side of the footway, towards Pickering Park. The proposed installation would be sited within the kerbside verge, at a point almost directly opposite the junction to Cranberry Way, such that it would partly face No 1 Cranberry Way, which is located at the corner of Cranberry Way and Pickering Road.
9. The siting of the proposed installation within the kerbside verge in an urban location would not be an unduly discordant feature within the street scene when viewed from approaches along Pickering Road. Existing trees along the street and those nearby towards the park would provide a degree of screening in views when approaching along Pickering Road.
10. However, the westerly side of the Pickering Road (opposite the appeal site) is lined by two storey residential properties, which have elevations facing the street that include windows serving habitable rooms. Consequently, occupiers of these properties have varying angles of view towards the appeal site. Such views include the open area of Pickering Park, with a small belt of trees along its boundary. The most direct view would be from No 1 Cranberry Way, and its semi-detached neighbour at No 166 Pickering Road.
11. The proposed 20m street pole with wraparound cabinet would be the minimum height necessary to meet operational requirements. At its base, the proposed street pole would be about 0.5m wide, significantly wider than nearby street lighting columns. The three associated equipment cabinets would be sited adjacent to each other in a line parallel to the carriageway, with a small gap towards the proposed street pole. Having regard to the height, width and depth of the cabinets, they would form a combined width of about 3.2m, with the tallest being about 1.75m high.
12. Consequently, the proposed pole and cabinets would appear in combination as a significant mass when viewed from the ground floor windows of the properties opposite, despite the width of the highway. The upper portion of the street pole would appear within views from first floor windows but would have a more limited impact.
13. The existing small belt of trees would form a backdrop to such views, but they are at some further distance. Consequently, the proposed installation would appear in stark contrast, and it would not blend into the street scene. As the trees are located behind the appeal site, they would not provide screening.

14. Overall, the siting and appearance of the street pole in combination with the associated equipment cabinets, would harm the living conditions of neighbouring occupiers with regard to outlook.

Highway safety

15. Due to its siting within the kerbside verge and opposite the junction to Cranberry Way, the local highway authority (LHA) object to the proposal on the basis that vehicles turning into or out of the junction could lose control, resulting in a collision with the proposed installation. The appellant does not contest this position.
16. I note that the LHA would support the proposal if it were to be sited within the wider verge at the back of the footway, but there is no such amendment before me.
17. Interested parties have particular concerns about road safety when sporting events take place. This adds some further weight to the objection from the LHA.
18. Consequently, I conclude that the siting of the proposal would result in an unacceptable harm to highway safety.

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 unsuitable pavements, visibility splays and 'densely residential'. 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. The alternative sites do not include a site to the rear of the footway as suggested by the LHA. Interested parties also refer to other potential locations which have not been considered by the appellant, including locations within the search area towards the north of the appeal site such as those near the open space on the opposite side of the carriageway, and within or near the roundabout. Therefore, I am not satisfied that all other alternative sites have been identified and fully explored.
22. 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.
23. 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.

24. In summary, the proposed installation would result in harm to the living conditions of neighbouring occupiers and to highway safety, 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.
25. Overall, based on all of the evidence before me, I am not satisfied that that the appeal proposal represents the least harmful option.

Other matters

26. 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

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

J Moore

INSPECTOR