



Appeal Decision

Site visit made on 20 December 2023

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2024

Appeal Ref: APP/V2004/W/23/3319927

Land at Junction of Parkgrove and Princes Avenue, Park Grove, Hull HU5 3QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Cornerstone Limited against the decision of Kingston-Upon-Hull City Council.
 - The application Ref 22/00952/TEL, dated 10 August 2022, was refused by notice dated 7 October 2022.
 - The development proposed is Proposed installation of telecommunications base station consisting of proposed 20m VF Hutchinson Apollo a 12RV2 medium duty active range pole accommodating 6 no VF antennas, 1 no VF GPS module, with 1 no VF Lancaster XES cabinet with sidepod and 1 no VF SFMC meter cabinet, along with ancillary equipment and apparatus thereto.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the two telephone boxes adjacent to the appeal site have become Grade II listed under the listing of 'Pair of K8 Telephone Kiosks' since the refusal of Prior Approval. Both the main parties had the opportunity to comment on this change in circumstances during the appeal, and I made my assessment on this basis.

Background and Main Issue

3. It is sought to erect a 20m range pole and associated works (the mast). The principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4), the GPDO requires the Local Planning Authority to assess the proposal solely on the basis of its siting and appearance, taking into account representations received. It does not require regard to be had to the development plan.
4. As such, I have considered Policies 1, 14, 16, 24 and Strategic Priority 12 of the Hull Local Plan 2016 to 2032 (LP) and the National Planning Policy Framework (the Framework) only insofar as they are material considerations relevant to matters of siting and appearance.
5. The mast would be situated within the Princes Avenue Conservation Area (CA) and I am therefore vigilant of my duty under s72 of the Planning (Listed

Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The mast would also be situated opposite the Grade II listed building Methodist Church Tower (the Tower) and within its setting. The appeal site is a very short distance from the two Grade II listed K8 telephone boxes.

6. It follows that the main issue is the effect of the siting and appearance of the proposal on the character and appearance of the street scene, with particular regard to the CA and Grade II Listed buildings the Church and K8 telephone boxes and, if any harm would occur, whether this is outweighed by the need for the installation to be sited in this position by taking into account any suitable alternative sites and the public benefits.

Reasons

7. The Princes Avenue Conservation Area draws its significance from its suburban character, with low-density, low-level housing and commercial properties situated amongst the occasional community building along Princes Avenue. Some of the historic features of the street scene have been eroded through the introduction of modern fascia signs, modern windows and street lighting. However, the historic character is still strongly apparent overall.
8. The Tower sits at an angle to Princes Avenue. It is a large, elegant and imposing red brick structure which stands much higher than other buildings within the street scene, and is therefore an important historic landmark and focal point of the CA.
9. The K8 telephone boxes are painted white to highlight the individual public telephone network in Hull, unlike other areas of the country. These boxes are situated in a prominent location and are an important historic marker in the development of the telecommunications industry.
10. The mast would be situated on a small triangular grass verge on the junction of Princes Avenue and Park Grove. This location would enable clear and strong visibility of the mast in a central point of public space, with little disguise to its surroundings. Whilst it would be as low as operationally possible, the mast would be much taller than the two storey buildings and street furniture, lighting columns and trees within the CA, and would compete with the primacy of the Tower. Furthermore, the siting of the proposal near to the K8 Telephone Kiosks would detract from their value as a listed asset due to the large difference height in such close proximity.
11. Given such, the structure would appear as a discordant and incongruous feature that would relate poorly to this historic environment. As such, the siting and appearance of the mast would cause less than substantial harm to the character and appearance of the CA and the significance that the Church Tower and Telephone Kiosks derive from their settings.
12. The appellant has undertaken an exercise to assess alternative new sites. However, the reasons why options D4 and D7 have been discounted is short on detail. Both are discounted as there would be 'significant demolition of the pavement and the temporary interruption of the footpath', but there has been little explanation of the magnitude of these constraints and why these sites have subsequently been discounted. Given such, from the evidence before me, I find that a sequential approach to site selection has been followed, but not

with sufficient rigour to enable me to ascertain that there are no realistic opportunities to erect an installation in a different location where its siting and appearance would be less harmful.

13. Accordingly, insofar as they are a material consideration, the proposal would be contrary to the aims of Policies 1, 14, 16 and 24 of the LP. Amongst other things, these policies require development to be sited to minimise its impact on visual amenity and support the delivery of a high-quality environment in Hull whilst avoiding harm to the city's heritage assets.

Heritage Balance

14. The Framework requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal, giving weight to an asset's conservation.
15. The Framework advises that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. It further provides that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. It is a strategic priority of the development plan in Hull that telecommunications are able to expand and improve.
16. I recognise the importance of good, fast, reliable and cost-effective communications and the economic, social, health, environmental and education public benefits that this mast would retain in this locality. Moreover, there is no basis to question the appellant's contention that the equipment is necessary to retain the established coverage in place.
17. However, as I am not persuaded that there is an absence of more suitable alternative sites within the applicable network area, the public benefits of the Mast do not outweigh the respective harms to the CA, the Church Tower and the Kiosks in this case.

Other Matters

18. The appellant has provided several appeal decisions for consideration. Each decision is made on its own merits, including the prospect of the installation being sited at an alternative location. I also note these other similar proposals are not located within close proximity to the appeal site nor within the CA.

Conclusion

19. For the reasons given above, the appeal is dismissed.

J Smith

INSPECTOR