



Appeal Decision

Site visit made on 9 January 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 29th January 2024

Appeal Ref: APP/W2845/W/23/3323132

Bedford Road Street Works, Bedford Road, Northampton NN1 5NQ

- 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 CK Hutchison Networks (UK) Ltd against the decision of West Northamptonshire Council.
 - The application Ref WNN/2022/1333, dated 8 December 2022, was refused by notice dated 25 January 2023.
 - The development proposed is a 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions.
3. The provisions of the GPDO 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.
4. The Northampton Local Plan Part 2 2011-2029 (March 2023) (NLP) was adopted by West Northamptonshire Council on 23 March 2023 and replaces the previous Northampton Local Plan 1993-2006 (June 1997). Both parties have had the opportunity to comment on the implications of this for the appeal and I have taken the NLP into account, to the extent discussed below.
5. The Council has referred to development plan policies in its decision notice. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. As such, I have had regard to the policies of the development plan, related guidance, and the National Planning Policy Framework (the Framework) only in so far as they are material factors relevant to matters of siting and appearance.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on:
- the character and appearance of the area;
 - the living conditions of the occupiers of the adjacent flats, with particular regard to outlook; and
 - whether any harm caused is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

7. The appeal site comprises a planted verge between Bedford Road and a large 3/4 storey block of flats. Bedford Road is a wide urban road with a mix of residential and commercial properties along the north side and a large car park and open recreation ground to the south, adjacent to the River Nene.
8. The block of flats is set back from the road by a communal garden space with a group of mature trees that has a high amenity value due to its public visibility and prominent position. Other vertical features nearby include numerous streetlights and an existing telecoms mast to the east.
9. At 20m high the proposed mast would be appreciably taller than the existing street furniture, block of flats and trees and would appear unduly prominent. Whilst the block of flats and group of trees would provide a limited backdrop for the mast, it would project significantly above both the roof of the building and the canopy of the trees, accentuating its height. It would have a functional appearance in the skyline, in stark contrast with the domestic appearance of the block of flats and at odds with the open verdant character of the planted verge and adjacent garden.
10. The slimline design would not have the 'top heavy' appearance that sometimes characterises telecommunications masts. However, its height and width would nevertheless set it apart from the adjacent vertical street furniture. The monopole would be seen widely and would appear as a dominant and incongruous feature which would diminish the contribution that the planted verge makes to the character and appearance of the area. Although the appeal site is not located within a conservation area nor subject to any other designations, the proposal would harm the character and appearance of the area, to which I attach significant weight.
11. Insofar as it is a material consideration, the proposal would conflict with Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (December 2014) and Policies SD1 and Q1 of the NLP where collectively they seek to ensure that development is of high-quality design and achieves a strong, locally distinctive sense of place. There would also be conflict with the Framework which requires developments to respect the character of the area and equipment to be sympathetically designed.

Living Conditions

12. The front elevation of the large block of flats, directly addresses the planted verge, separated by a communal garden space with low level boundary treatments. Despite the proximity of Bedford Road, the outlook from the flats is open and verdant across the adjacent open land towards the recreation ground and river.
13. The proposed mast would be offset from the group of mature trees and as such, they would not offer any screening. Despite the separation provided by the garden, the mast would be significantly taller and wider than any of the surrounding street furniture and would form a highly conspicuous feature which would be imposing when viewed from the windows of the flats. The mast would result in an overbearing and intrusive feature that would unacceptably affect the outlook of the occupiers of the adjacent flats, to the detriment of their living conditions.
14. Therefore, the proposal, through its siting and appearance, would harm the living conditions of the adjacent flats, with particular regard to outlook. Insofar as they are a material consideration, the proposal would be contrary to Policies SD1 and Q2 of the NLP which, together, seek to ensure that development is not overbearing upon existing buildings or open spaces and that outlook is satisfactory. Similarly, the proposal would conflict with the Framework, where it requires development to create places with a high standard of amenity for existing and future users.

Alternative Sites

15. The proposed equipment would provide 5G coverage. Paragraph 122 of the Framework makes clear that the need for an electronic communications system should not be questioned. However, I have found that the proposed development, through its siting and appearance, would cause harm to the character and appearance of the area as well as the living conditions of the occupiers of the adjacent flats. Therefore, the potential availability of suitable alternative sites is an important consideration. In addition, paragraph 121 of the Framework identifies that, for a new mast, evidence should be provided that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structure.
16. The supporting information indicates six discounted alternative options for the proposed development, numbered D1-D6. The sites have been discounted for reasons including impacts on residential dwellings, insufficient/unsuitable pavements and visibility splay issues. However, the reasons provided are brief and unsupported by any further evidence to suggest why they would be more harmful than the appeal scheme or are not viable.
17. Further, it has not been demonstrated whether the options explored included the use of existing buildings, masts, or structures, as required by the Framework. The appellant states that opportunities for sharing facilities have been investigated, and that mast sharing would entail a more bulky structure and multiple levels of headframes. However, I have no evidence of these investigations before me.
18. The appellant states that the cell search area is extremely constrained and that the only viable option has been put forward. Nevertheless, the map shows that

the search area encompasses a variety of spaces, including verges adjacent to large commercial properties or open public space, away from residential properties. In the absence of clear and persuasive evidence as to why alternative sites have been discounted or not considered at all, I am unable to establish that the appeal scheme is the most suitable in its siting and appearance.

19. Consequently, on the information before me, having regard to the development plan and the Framework, the evidence does not convincingly demonstrate that a thorough review of possible suitable alternative options within the cell search area has been carried out or that the appellant has adequately explored whether there may be less harmful alternative sites. As such, the harm set out above is not outweighed by the need for the installation to be located within the vicinity of the area identified.

Other Matters

20. While I recognise that there are wider social and economic benefits that would arise from the proposal, the GPDO is clear that the only considerations should be the siting and appearance of the proposal. Therefore, these considerations neither weigh in favour of or against the proposed installation.

Conclusion

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

K Allen

INSPECTOR