



Appeal Decision

Site visit made on 10 October 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/Q3060/W/23/3320847

Verge off Wollaton Road, Wollaton Road, Nottingham NG8 2BH

- 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 appeal is made by Miss Dianne Perry c/o Clarke Telecom against the decision of Nottingham City Council.
 - The application Ref 22/01696/PAT, dated 23 August 2022, was refused by notice dated 24 October 2022.
 - The development proposed is the removal of an existing 15m monopole and installation of a replacement 17m monopole, supporting 6 no antennas, 1 no wraparound equipment cabinet at the base of the monopole, 2 no equipment cabinets, 1 no meter cabinet and ancillary development thereto including removal of redundant equipment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The scheme shown on the submitted drawings indicates that the monopole would be 18m high. However, the description of the development, which is the operative part of any planning permission granted, specifies a 17m monopole. If I were to change this description, there is the potential for parties to be prejudiced. As such, I have assessed the appeal on the basis of the description of development.
3. 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.
4. The provisions of the GPDO require the local planning authority to assess the proposed development solely based on its siting and appearance, taking account of any representations received. My determination of this appeal has been made on the same basis.
5. 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. I have had regard to the policies of the development plan only in so far as they are factors relevant to matters of siting and appearance, therefore.

Main Issues

6. The main issues are;

- the effect of the proposed installation on the character and appearance of the area including the setting of the Wollaton Park Conservation Area, the setting of the Grade II* Registered Park and Garden at Wollaton Hall and the setting of the Grade II Listed Park Wall and Gateways Bordering Wollaton Road; 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 or any associated public benefits.

Reasons

Character and Appearance

7. The appeal site lies within an area of grass verge adjacent to a footway in a prominent position along Wollaton Road aside the extensive walled Grade II* Listed Wollaton Hall Registered Park and Garden (the Park). With only a small deviation, the boundary of the Park matches the boundary of the Wollaton Park Conservation Area (WPCA). Moreover, there is a Grade II Listed Park Wall and Gateways Bordering Wollaton Road (the Boundary Wall), that provides the boundary to both the Park and the WPCA. Within the appeal site, there is an existing monopole with associated cabinets set back from Wollaton Road.
8. The appellant has prepared a Heritage Statement of Case. I understand from this document that the Council has not prepared a conservation appraisal. From the evidence before me, I consider that the significance of the WPCA as a whole, largely derives from the Elizabethan era Wollaton Hall at its centre surrounded by an extensive area of former pale deer park, and subsequent formal and informal gardens and pleasure grounds, which creates a luscious parkland setting. The significance of the Park is similarly defined.
9. Both the Park and the WPCA are enclosed by the Boundary Wall which is a notable and attractive feature. Its significance derives principally from its architectural and historical interest being a traditionally constructed brick wall thought to have been constructed in the early 18th century (with later alterations) which defines the extent of the Park from that time. It may also indicate the historic position of the former deer park pale.
10. Clearly, the artistic and historic interest of the Park is best experienced directly from within it. It is also the case that there is a far more urban appearance on the northern side of Wollaton Road, and the highway itself is full of the typical paraphernalia, such as traffic lights and signage.
11. Nonetheless, on the southern side, the combination of the wide verge, mature trees and footway with the backdrop of the Boundary Wall helps to define the historic extent of the Park. It also forms part of an attractive boulevard that runs along the boundary of the Park and WPCA adjacent to the Boundary Wall for a significant distance. This creates a harmonious, green spaciousness that evokes the former rural setting of the Park. It therefore makes an important

contribution to the significance that the WPCA, the Park and the Boundary Wall each derive from their respective settings.

12. There are a significant number of mature trees on the appeal site itself, that line the road and that are located within the Park. These trees combined with the wide verge creates a verdant sense of openness. Consequently, the appeal site forms an integral component of the setting of the Park, the WPCA, and the Boundary Wall.
13. There is an existing monopole along with some associated cabinets on the appeal site. These are incongruous features in this sensitive location. However, the harm caused by these features is tempered by the relatively low height of the monopole and the fact that the cabinets are set back within the tree line. As a result, the existing installation has a modest negative contribution to the character and appearance of the area and on the setting of the heritage assets.
14. In addition to the existing monopole on the appeal site and the trees that line the road, there are some other vertical features including the Boundary Wall, lampposts, traffic signs, and traffic lights. However, the repositioned monopole would protrude above most of these features and would be about the same height as the existing trees.
15. The trees on the appeal site would provide some screening, and the proposed monopole could be painted in an appropriate colour. Even so, the new monopole, which would be thicker and taller than the existing installation, would be readily visible particularly from the road and would stand out as a markedly more discordant utilitarian structure, uncharacteristic within the streetscene.
16. Further, although there are some existing cabinets, some of which will remain, the proposed cabinets would be located further forward near the middle of the verge and would be much more prominent. As a result, they would appear as incongruous features within the grass verge and would lead to visual clutter which would harm the existing sense of green spaciousness.
17. Any views out of the Park and the WPCA would be limited. However, I have found that harm would arise in relation to inward views of these heritage assets and the Boundary Wall. Given that the harm would be localised and only a small part of these three extensive assets would be affected, it follows that the proposal would respectively result in less than substantial harm to the significance derived from the setting of the WPCA, the setting of the Park and the setting of the Boundary Wall.
18. I therefore conclude that the proposal would have an unacceptable impact on the character and appearance of the area including the setting of the Wollaton Park Conservation Area, the setting of the Grade II* Registered Park and Garden at Wollaton Hall and the setting of the Grade II Listed Park Wall and Gateways Bordering Wollaton Road.
19. As a result, in so far as they are material considerations, the proposal would not accord with the relevant parts of Policies 10 and 11 of the Aligned Core Strategies – Part 1 Local Plan adopted September 2014 and Policies DE1, DE2, HE1 AND IN1 of the Land and Planning Policies – Development Plan Document – Local Plan Part 2 January 2020 (LAPP) which amongst other things seek to ensure the development makes a positive contribution to the public realm and

sense of place, respects the local context and character of the area, conserves and/or enhances heritage assets and their settings, and that proposals for the installation of telecommunications equipment is sited and designed to minimise visual impact and the special character and appearance of heritage assets are preserved and/or enhanced.

20. The scheme would also not comply with the National Planning Policy Framework (the Framework) which sets out that new equipment should be sympathetically designed and camouflaged where appropriate as well as requiring developments to be sympathetic to local character and that great weight should be given to the conservation of heritage assets.

The need for the installation, alternative sites, and public benefits

21. The appellant has a need to upgrade and improve 2G, 3G and 4G services as well as to provide new 5G coverage. The appellant highlights that the proposal is for an upgrade of the existing service, and it must be installed in the same locality in order to maintain the existing coverage pattern within this area.
22. However, there is little detail about why the appeal site, which is located in such a sensitive location, is the only possible option. Therefore, the information is insufficiently compelling or robust to show that this is the only site on which the proposed development could be located.
23. I have taken account of the public benefits associated with this proposal, including that the proposed installation would provide good, fast, reliable communication infrastructure and would support the rollout of the 5G network which would have economic and societal benefits and are matters supported by the Framework.
24. Following the COVID-19 pandemic, the public has become more reliant on mobile communication. Moreover, the proposal would improve connectivity which among other things would assist in making education more accessible, support manufacturers, help to deliver remote health services, increase economic output, widen job opportunities, and improve access to local businesses including restaurants and hotels.
25. However, I have given great weight to my finding that the proposal would harm the significance of the designated heritage assets. In the absence of a clear demonstration that no other alternative site is available for the works, the public benefits associated with the proposal would not be sufficient to outweigh the harm the proposal would have on the heritage assets.
26. I therefore conclude that the need for the installation to be sited as proposed taking into account any suitable alternatives and the associated public benefits would not outweigh the harm the proposal would have on the character and appearance of the area, on the setting of the WPCA, the Park and the Boundary Wall.
27. Consequently, in so far as they are material considerations, the proposed installation would not accord with the relevant part of Policy HE1 of the LAPP or the Framework which sets out that where a development proposal would result in less than substantial harm to heritage assets, permission will only be granted where the public benefits outweigh the harm. It would also be at odds with the Framework which sets out that any harm to, or loss of the significance

of a designated heritage asset should require clear and convincing justification, which is not the case here.

Other Matters

28. I have taken account of the other appeal decisions that have been brought to my attention. However, these other cases involve different installations in different locations with a different relationship with their surroundings. In particular, they do not relate to the three affected designated heritage assets in this case. As a result, they are materially different from the proposal before me, and they do not justify harmful development at the appeal site.

Conclusion

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

S Rawle

INSPECTOR