



Appeal Decision

Site visit made on 24 January 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2024

Appeal Ref: APP/G2625/W/23/3322602

Newmarket Road, Norwich, NR2 2HW

- 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 CK Hutchison Networks (UK) Ltd against the decision of Norwich City Council.
 - The application Ref 23/00032/T, dated 6 January 2023, was refused by notice dated 24 March 2023.
 - The development proposed is a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development is described on the application and appeal forms as a 20m street pole and additional equipment cabinets. However, it is clear from the evidence before me, that the proposal was amended to a 15m high street pole, with less bulky equipment at the top of it, during the course of the application process. The appeal documents also refer to a wraparound cabinet at the base of the monopole, which is not shown on any of the submitted drawings. I have dealt with the appeal on the basis of the amended drawings that were determined by the Local Planning Authority (LPA), for a 15m high street pole, with no wraparound base cabinet.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the LPA 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. Although the GPDO does not require applications for prior approval to be determined in accordance with development plans, I have had regard to the relevant policies in the Joint Core Strategy for Broadland, Norwich and South Norfolk (the CS), in the Norwich Development Management Policies Local Plan (the LP), and in the National Planning Policy Framework (the Framework), in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. The main issues are i) the effect of the siting and appearance of the proposed development on the character and appearance of the area, including its effect on trees and heritage assets; and ii) if any harm would occur, whether this would be outweighed by public benefits and the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

Character and appearance

6. I am advised that the site is located within the Newmarket Road Conservation Area (CA) and is surrounded by Grade II listed and locally listed buildings. The Council's decision notice and submission documents do not specify which listed buildings it considers would be affected by the proposal or why. However, I have been provided with the listing descriptions for Town Close Preparatory School and for 47-69 Newmarket Road.
7. Town Close Preparatory School extends from Ipswich Road through to Newmarket Road. It is evident from the listing description and location plan I have been provided with that the Grade II listed school building is the one closest to Ipswich Road. There are further large school buildings and substantial landscape grounds between the listed building and the site of the proposed development. As such neither the historic significance of the school building, which is its age and architectural interest, nor the setting within which it is experienced, would be affected by the siting and appearance of the proposed installation.
8. 47-69 Newmarket Road comprises a terrace of houses. Their heritage significance is derived from their age and architectural interest. The terrace, which is on the opposite side of the road to the appeal site, is set well back from Newmarket Road and is screened from it by a dense mature landscaped garden area. I note that there is already a smaller mast and cabinets to the front of this site, which are relatively well camouflaged by the backdrop of trees and hedges. Given the intervening major road and dense landscaping between the site and the listed terrace, the proposal would not result in harm to the significance of these buildings or their setting.
9. Details of other nearby listed buildings are included within the appellant's Heritage Statement. These are no closer to the site than those considered above and as such their significance and settings would not be adversely affected by the proposal.
10. I have not been provided with a Conservation Area Appraisal or with any details of the special significance of the CA. However, the area immediately surrounding the site comprises traditional buildings, set back within large mature landscaped grounds. This together with the largely uncluttered wide tree lined grass verge, the wide road and wide footways, creates an open, spacious, attractive green leafy route into and out of the city, which makes a positive contribution to the character and appearance of the CA that contributes to its significance.
11. It is proposed to site the street pole and equipment cabinets in the tree lined grass verge. Other mature trees surrounding the site are within privately owned grounds. Whilst I acknowledge concerns regarding potential future

pressure to undertake works to trees, should they interfere with signals related to the proposed mast, the appellant has selected this site in the full knowledge that it is surrounded by mature trees, all of which are protected by the CA and many of which are within private grounds. As the consent of the owners and the LPA would be required to undertake any tree works, and could be refused, I afford this concern limited weight.

12. Given the presence of trees and other vertical structures, such as streetlights, traffic lights and signs, within the grass verge, the proposed dark green coloured street pole, which would be relatively slim, would not comprise large bulky headgear, and would not be significantly higher than the surrounding trees, would not appear overly obtrusive.
13. However, the 3 equipment cabinets, which would have a combined width of over 3m, with the largest being almost 1.8m high, due to their prominent siting within the open grass verge, as opposed to being camouflaged against boundary treatment or within a screened compound or enclosure, would together with the proposed street pole, and existing street furniture and equipment in the area, result in a level of visual clutter that would harmfully detract from the open landscaped character and appearance of this busy route. With the exception of the bus shelters, which are predominantly transparent and not visually obtrusive, other essential street furniture and equipment in the area is generally lower in height, less bulky and more discreetly sited than the proposed cabinets.
14. I therefore conclude that taken together the siting and appearance of the street pole and large cabinets would be harmful to the character and appearance of the CA, albeit the harm to its significance would be less than substantial. Accordingly, the proposal would conflict with policies 1 and 2 of the CS, and Policies DM3, DM9 and DM10 of the LP, in so far as they relate to the design of new development, the need to protect local distinctiveness and character, and the need to protect the historic environment and its setting.

Public benefits and alternative sites

15. Paragraph 118 of the Framework supports the expansion of electronic communications networks, including next generation mobile technology such as 5G, and recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.
16. However, paragraph 119 of the Framework requires that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum by using existing masts, buildings and other structures. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
17. I acknowledge that the required search area is limited and that a number of alternative sites have been considered and ruled out. However, there is very limited evidence before me to demonstrate how the alternative sites were selected or whether the use of any existing masts, buildings or structures were investigated, in accordance with paragraph 121(c) of the Framework.
18. Based upon the limited evidence before me, I am not satisfied that other potential sites have been properly explored, nor that those sites would cause greater harm than the appeal proposal.

Balance and Conclusion

19. The proposal would fail to preserve or enhance the character or appearance of the CA. Although the degree of harm to its significance would be less than substantial, paragraph 205 of the Framework is clear that any harm to a designated heritage asset must be afforded great weight.
20. In accordance with paragraph 208 of the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The public benefits of the proposal, including the economic and social benefits of upgrading electronic communication infrastructure, are noted. However, these benefits would be limited primarily to customers of the network provider, in the local area. Accordingly, the benefits would not outweigh the harm that the siting and appearance of the proposed installation would cause to the CA, having regard to the fact that the potential availability of alternative sites has not been satisfactorily ruled out.
21. For the reasons given above, I conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR