



Appeal Decision

Site visit made on 22 April 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2024

Appeal Ref: APP/W4515/W/24/3338449

Billy Mill Avenue, North Shields, Tyne and Wear NE29 0QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Circet (UK) against the decision of North Tyneside Council.
 - The application Ref is 23/01461/TELGDO.
 - The development proposed is 20m H3G/EE Valmont 20m high phase 7 Streetworks Pole on root foundation, 6no. cabinets, 2no. GPS node, 2no. 600mm dishes, 6no. apertures, 3no. shared apertures. The proposed telecom mast replaces a nearby site.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. I have used the Council's description of development as it more accurately represents the scheme to which the appeal relates. It does not fundamentally alter the development as applied for. In addition, the principle of development is established by the above legislation. Regard does not therefore have to be had to the development plan as normally would be the case. I have therefore taken account of Policy DM7.11 of North Tyneside Local Plan 2017 (Local Plan) insofar as it is a material consideration relevant to the main issue, as well as the relevant provisions of the National Planning Policy Framework (the Framework).
3. The aforementioned legislation, paragraph A.3 specifically, requires an assessment of a given installation on the basis of siting and appearance only. This has formed the main issue, in the context of the character and appearance of the area and, if any harm would occur, whether this would be outweighed by the need for the installation, taking into account any suitable alternative sites.

Reasons

Character and Appearance

4. The appeal site is an area of grass verge. The immediate area includes hardstanding, trees and low-level street furniture as well as lighting columns. There is a suburban feel to built form which, whilst including commercial premises, hosts a mix of two storey dwellings and bungalows. Ground levels rise slightly to the west. Despite being set back from the footpath, the appeal site appears open in its relationship with the intersection with Chirton Lane

and Billy Mill Avenue, and the junction with Billy Mill Avenue and Lyncroft Road. This and the consistency of scale in the area, contributes positively to its character and appearance.

5. The mast would be significantly taller and wider than the nearby streetlights, with the top clearly visible above the surrounding trees, telegraph pole and overhead lines and would be conspicuous from a significant distance on Billy Mill Avenue. The trees to the west would provide a degree of screening when in leaf and when viewed from the residential properties on Chirton Lane but, this would be reduced when the trees are not in leaf. Whilst the existing buildings to the south would give partial screening when viewed from the residential properties to the southwest, there would be no screening when viewed from the north, east or south on Billy Mill Avenue.
6. The installation would be a highly prominent addition to the street scene, appearing out of keeping with and would detrimentally affect the consistency of this low-rise residential area. As such, the proposal would stand out as an incongruous feature adding to visual clutter and would not sufficiently blend in with the surroundings. Its siting and appearance would be unacceptable and thus conflict with guidance in the Framework which requires, amongst other things, that equipment on new sites be sympathetically designed and camouflaged where appropriate. There would also be conflict with Policy DM7.11 of the Local Plan insofar as it seeks to ensure the siting and appearance of the proposed apparatus and associated structures minimise its impact on visual amenity and respect the character or appearance of the surrounding area.

Suitable Alternatives

7. The Framework supports the provision of high-quality and reliable communications. Planning decisions should support the expansion of electronic communications networks, including next-generation mobile technology (such as 5G) and full-fibre broadband connections. The application for a new mast or base station should be supported with evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
8. The purposes of the appeal scheme is to replace an existing building mounted mast for coverage purposes. That said, limited detail has been provided regarding how the search for alternative sites was carried out or how they were selected for further consideration. Furthermore, the reasoning for discounting is brief in each example citing visibility splays, unsuitability of pavements and proximity to residential housing and a school. Moreover, I have not been provided with any map to assess the replacement to ensure that the existing coverage can be maintained. I am not therefore satisfied that a sufficiently thorough review of possible alternatives within the search area has been undertaken or whether there may be less harmful alternative sites.

Other Matters

9. Policy DM6.1 of the Local Plan was not referenced within the decision notice and the Council has not rebutted the appellant's claims in regard to it. Notwithstanding this, DM6.1 relates to design of development and seeks, amongst other matters, for development to demonstrate a design response to landscape features; and a positive relationship to neighbouring buildings and

spaces. This policy seeks similar design aims to Policy DM7.11 to which I have already found conflict. As such, I also find conflict with Policy DM6.1.

10. Whilst the cited appeal decisions are similar in nature and relate to the installation of telecommunications, I am not aware of the exact circumstances of each case. As such, I cannot be certain that they are sufficiently similar to those relating to the appeal before me. I have therefore reached a view based on the evidence before me and on its own merits with regard to its context.
11. Reference has been made to various social and economic benefits arising from the rollout of 5G technology. The government's support in this respect is made clear in the Framework and these benefits have been recognised in permitted development rights. As such they do not carry additional weight when considering matters of siting and appearance as part of the prior approval process. The appellant has raised a range of other matters including an overview of telecommunications, parts of the Framework and the ICNIRP certificate, however, these matters do not justify the harm identified above.

Conclusion

12. I am not convinced that less harmful alternatives have been properly explored for the relocation of the proposed installation. As such, significant harm would occur to the character and appearance of the area for the above reasons due to the siting and appearance of the proposal. The appeal should therefore be dismissed.

L Clark

INSPECTOR