



Appeal Decision

Site visit made on 1 October 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2024

Appeal Ref: APP/U4610/W/24/3346365

Grass Verge on Eastern Side of Attoxhall Road, Coventry CV2 5BF

- 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 MBNL (EE (UK) Ltd & H3G (UK) Ltd) against the decision of Coventry City Council.
 - The application Ref PL/2024/0000167/PAEC, dated 24 January 2024, was refused by notice dated 16 February 2024.
 - The development proposed is Prior approval for slimline 20m monopole, antenna apertures, dishes, cabinets and 6no. associated ancillary equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Order under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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.
3. The principle of development is established by the Order, and the provisions therein do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

5. The proposed development would be located in close proximity to the public footpath and the highway, in a predominately residential area. The mast would be located immediately adjacent a bus stop, and opposite another stop on Attoxhall Road. The area includes a good degree of vertical landscaping in the form of trees. There are also streetlights and some signage in the locality.
6. The Framework states that such telecommunications development is essential, and the expansion of electronic networks should be supported, including the

next generation of mobile phone technology. Based on the guidance in the Framework, there would be public benefits from the proposal.

7. The Framework states that evidence must be supplied to demonstrate that alternatives have been taken into consideration. I am satisfied, based on the evidence before me, that a sufficiently robust investigation as to possible alternatives has taken place.
8. In this case, the appellant's evidence demonstrates that there is a need for a new mast in the area, as there is an existing site location nearby on the roof of William Malcolm House, which is to be demolished and the appellant has been served with a "Notice To Quit" which means the operator has to remove their existing equipment.
9. The appellants state that the proposed mast would maintain the level of Fifth Generation (5G) connectivity for the area due to the removal of the existing mast. The proposed mast would be easily visible and tower above the existing surroundings when seen in its context. Although it could be argued that the mast is a slim, unfussy design, it would be considerably taller than any of the nearby street furniture and trees, whilst its utilitarian appearance would not fit well into this residential environment.
10. The scale of the mast is strident, industrial in nature and has the external appearance of a structure more often seen in industrial areas and would be harmful to the local context of residential development. The mast would appear dominant in the locality and be harmful to the character and appearance of the area, magnified by its proximity to the footpath and Attoxhall Road.
11. From closer viewpoints, the entire structure would be visible. It would be an unattractive and dominating feature. The scale and design of the installation would be incongruous in this setting. Consequently, regardless of the colour finish that could be used on the equipment, I conclude that the siting and appearance of the proposal would significantly harm the street scene and the character and appearance of the area.
12. The Framework recognises that planning decisions should support the expansion of electronic communications networks and the appellant has provided evidence to justify the proposed development. However, I have found the siting and appearance of the development would result in harm to the character and appearance of the area, which is not outweighed by these other considerations. I find the proposal to be in conflict with the design and setting aspirations as set out in the Framework.

Other Matters

13. I have noted the supporting decisions that the appellant has added to their statement in relation to the merits of the scheme. I do not have full details of these locations, but it is highly unlikely that the context of these locations would be the same, and in any event, the proposal should be assessed upon its own merits.

Conclusion

14. I have taken into account the economic and social benefits of the proposal, and the supporting documentation provided that demonstrate the merits of an effective communications network. Nonetheless, I do not find these benefits

outweigh the harm that would be generated by the siting of the mast and associated works in such a location.

15. For the reasons set out, I conclude the appeal should be dismissed.

Paul Cooper

INSPECTOR