



Appeal Decision

Site visit made on 25 September 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/Q3060/W/24/3342494

Ryeland Gardens, The Meadows, Nottingham NG2 2HT

- 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 Cornerstone against the decision of Nottingham City Council.
 - The application reference is 22/01956/PAT.
 - The development proposed was originally described as: Proposed Base Station telecommunications installation. Proposed is a Hutchinson Engineering 20.0m High Apollo ARV2 Street pole on new T9 Root Foundation. Proposed 3 No. Antennas within Shroud and 3 No. Antennas below Shroud. Proposed 1 No. Meter Cabinet, 1 No. Lancaster Cabinet and 1 No. Sidepod to be installed and associated ancillary works.
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Decision

1. The appeal is dismissed.

Main Issue

2. Article 3(1) and Schedule 2, Part 16, Class A of the GPDO establish the principle of telecommunications development and require the local planning authority to assess proposed development solely on the basis of its siting and appearance, taking into account any representations received. I have assessed the appeal on this basis, having regard to the development plan and National Planning Policy Framework (the Framework) as material considerations so far as they are relevant to the matters of siting and appearance.
3. Having regard to this, and the Council's reason for refusal, the main issue in this case is the effect of the siting and appearance of the proposal on the character and appearance of the area, including the setting of the Old Meadows Conservation Area (the OMCA) and, if any harm is identified, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Siting and Appearance

4. The proposed monopole and associated cabinetry would be located within a small, grassed area to the rear of the residential cul-de-sac of Ryeland Gardens, next to a short block of three lock-up garages. A block of single storey dwellings stands next to the garages and the proposed monopole location, with the other dwellings in the cul-de-sac being two storey in height, with a combination of monopitch and dual-pitched roofs.

5. A pedestrian footpath crosses the grassed area and leads behind the dwellings. Immediately behind the site are the rear elevations and gardens of dwellings on Wilford Crescent West, which falls within the OMCA. There are a number of mature trees within the cul-de-sac, although the vista towards the dwellings within the OMCA is open.
6. The character of the area is one of low rise urban housing of one to two storey height arranged in tight knit layouts such as the cul-de-sac where the monopole would be located. At 20 metres tall, the monopole would stand far above the height of the surrounding built form, including the two storey dwellings within Ryeland Gardens and on Wilford Crescent West. Within these surroundings, the height and stark, functional form of the monopole would form a conspicuous and dominant feature in a backland, residential location where large scale telecommunications infrastructure is not a common sight.
7. The overall development would include the proposed cabinets. I accept these are permitted development by themselves, but they are unlikely to be installed without the monopole, so it is reasonable to consider their cumulative impact. The cabinets would add noticeably to the massing and visibility of the overall development and would exacerbate its conspicuous presence in the area.
8. The monopole may benefit from some screening by mature trees when viewed from the entrance to the cul-de-sac from Robin Hood Way; however, there would be no screening for many residents of dwellings within the cul-de-sac or those to the rear on Wilford Crescent West, for all of whom the monopole would form an immediate, towering intrusion that would undermine the consistent low scale and modest, backland character of the area.
9. The site is adjacent to the OMCA and the red brick terraced houses of Wilford Grove West, a characteristic feature of the surviving historic townscape of The Meadows. The monopole would represent a modern, alien feature in views from the adjacent dwellings and although outside of the conservation area, it would have a dominating presence that would detract from the modest scale, domestic character and historic architecture of the adjacent terrace. In this respect, the proposal would cause harm to the setting of the OMCA.
10. For these reasons, I conclude that the siting and appearance of the proposal would result in harm to the character and appearance of the area. So far as they are material to the proposal, there would be conflict with Policies 10 and 11 of the Aligned Core Strategies Part 1 Local Plan (September 2014) and Policies DE1, DE2, HE1 and IN1 of the Local Plan Part 2 – Land and Planning Policies (January 2020), which together require new development to make a positive contribution to the public realm and sense of place; that telecoms installations are sited and designed so as to minimise visual impact; and that proposals conserve and/or enhance heritage assets and their settings in line with their interest and significance. There would also be conflict with the Framework's protection of heritage assets and its expectation that new electronic communications equipment should be sympathetically designed.

Alternative Locations

11. Paragraph 117 of the Framework advises that applications should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

12. I have had regard to evidence submitted by the appellant in respect of the site selection process, including evidence in respect of the technical requirements for 5G antennas that precludes upgrading an existing mast or site sharing. Six other options were considered and discounted, all of which relate to potential ground based installations on or close to Sherriffs Way. Brief reasons are given for each, including four due to narrow pavements, and others variously due to proximity to existing dwellings, library, a shop and tram tracks. A lack of screening is cited in several cases.
13. One site, D1, is discounted due to its visual prominence within the wider OMCA. However, this site on Robin Hood Way is further from the boundary of the OMCA than the appeal site and, from my observations, would have a number of intervening buildings between it and land falling within the conservation area. As such, it would have less impact on the conservation area than the appeal site, which is immediately adjacent to the dwellings on Wilford Crescent West. Moreover, Robin Hood Way is a wider main road with existing street lighting, pole mounted cameras and mature trees along its length, as well as a number of larger verges where distances to dwellings are greater. It also has an existing monopole at the junction with Sheriff Way. Given these existing factors, it is unexplained why other locations along Robin Hood Way were not considered.
14. Site D2 is discounted due to a narrow verge and proximity to tree roots. However, I saw areas of open verge to the other side of the junction with Burge Close which are further from trees and buildings, but which do not appear to have been considered. Contrary to the appellant, I saw the area around site D3 to have significant tree cover that would offer screening of the mast from certain directions. It is also an area already populated by street poles forming part of the tram infrastructure.
15. Sites D4 and D5 are within the OMCA, and in this respect, their discounting is understandable given they would stand prominently within the historic streetscape where pavements are narrow. Site D6 is outside of the OMCA, but in an area of similar built form to Ryeland Gardens. The discounted site does lack sufficient pavement width, but it is unclear why, for example, a grassed amenity space nearby in Bruce Close was not considered given its similar characteristics to the appeal site.
16. Overall, the evidence before me is limited as to the extent to which several of these potential options were considered before being discounted. In addition, my observations on site were of a number of areas in and around those sites which have similar or potentially more favourable characteristics that have not been considered. Importantly, while I understand that the selection of sites is based on operational requirements to improve areas of poorer coverage and achieving suitable spacing between other masts in the network, the evidence before me does not clearly indicate the actual operational search area in this case. As such, it is unclear whether there are other operationally suitable areas which have not been considered. On the evidence before me, therefore, I do not find the search and assessment of alternative sites to be sufficiently robust or that the identified need for the mast could only be met at the appeal site.

Other Matters

17. The Framework makes it clear that in determining applications, the need for an electronic communications system should not be questioned, and local planning

authorities should not set health safeguards different from the ICNIRP¹ guidelines for public exposure. The appellant has confirmed that the proposal would meet the relevant guidelines, and I have no firm evidence to dispute this. Therefore, this is not a matter that weighs against the proposal.

18. The appellant makes reference to other appeal decisions involving telecommunications equipment, but I do not have full details of these proposals to understand whether they are comparable to the appeal scheme. Whilst noting the quoted comments of the respective Inspectors, these do not alter my conclusions on the proposal, which I have considered on its own merits.

Balance and Conclusion

19. The siting and appearance of the proposal would cause harm to the character and appearance of the area. I afford very significant weight to this harm.
20. Government support for the expansion of advanced telecommunications networks is expressed clearly in the Framework. I acknowledge that there is a need for additional mobile telecommunications infrastructure in the area and that this would deliver tangible benefits in terms of improved coverage. However, it has not been satisfactorily demonstrated that the appeal site is the least harmful alternative location for a new mast.
21. Overall, I find that the need to locate the proposed infrastructure at the appeal site does not outweigh the harm to the character and appearance of the area that would be caused by its siting and appearance. Therefore, prior approval should not be given and the appeal should be dismissed.

K. Savage

INSPECTOR

¹ International Commission on Non-Ionizing Radiation Protection (ICNIRP)