

Appeal Decision

Site visit made on 24 September 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal Ref: APP/U4610/W/24/3340635

Jobs Lane SW, land off Jobs Lane, adjacent Jardine Crescent, Tile Hill, Coventry CV4 9DB

- 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 Coventry City Council.
 - The application Ref is PL/2023/0001685/PAEC.
 - The development proposed is the installation of a 20m monopole, accommodating 6no. antennas, the installation of 1no. equipment cabinet, along with ancillary works.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a 20m monopole, accommodating 6no. antennas, the installation of 1no. equipment cabinet, along with ancillary works at land off Jobs Lane, adjacent Jardine Crescent, Tile Hill, Coventry CV4 9DB in accordance with the application PL/2023/0001685/PAEC and the details submitted with it.

Preliminary Matters

2. As this is an application for prior approval, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) require the Council to assess the proposed development solely on the basis of its siting and appearance. This appeal has been determined on the same basis.
3. The principle of development is established by the Order and the provisions of Schedule 2, Part 16, Class A of the Order do not require me to have regard to the development plan. Nevertheless, I have taken into account policies C2 and DE1 of the Coventry City Council Local Plan 2017 (CLP) and the provisions of the National Planning Policy Framework (the Framework) insofar as they are relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposal on the appearance of the area and, if harm would be caused, whether there are any preferable sites or designs available.

Reasons

5. The appeal site comprises a small portion of land on the corner of Jobs Lane and Jardine Crescent. These roads, particularly in the immediate vicinity of the appeal site are pleasant and verdant roads with extensive tree cover. The nearest residential properties are predominantly detached houses and bungalows but these give way to slightly denser development in surrounding streets including flats and semi-detached houses. Of note is a district centre along Jardine Crescent which features an array of shops and other facilities with flats above.
6. The position of the mast and the associated equipment cabinets would be decidedly noticeable in this corner location. It would be particularly visible for those travelling north along Jobs Lane. The equipment cabinet and base of the mast would be the most obvious feature in short range views. Even so, these would appear as simple functional items and are not uncommon as part of modern street furniture.
7. The proposed mast would be 20 metres high, which would project above the top of the surrounding trees, many of which are mature and well-established specimens. The girth of the pole would be markedly larger than any lighting columns or electricity poles in the area and would clearly stand out as a quite strident structure. This having been said, the nature of the mature trees surrounding the site, many of which are protected by a Tree Preservation Order, would reduce the effect of the height of the mast as its uppermost elements would be somewhat screened by the tree canopy, particularly in shorter range views at street level. In winter months, the tree canopy would still offer a diffuse screening effect.
8. However, the proposed mast, because of its height and girth, would still be prominent and it would cause a degree of harm to the appearance of the area. It is therefore necessary to consider whether there are any alternative, preferable sites where the mast and antenna could be located.
9. The siting of this mast is constrained by the need to provide coverage for the target area. It is also constrained by the technical limitations of the cellular network of which it would form part. The appellant has provided information on the location of existing base stations, which shows that the cellular network is already a dense one, giving only limited scope for the siting of new antennae. Moreover, in this instance, coverage is presently provided from equipment located at the top of an existing residential tower block on Ferrers Close. However, according to the appellants evidence, which is not disputed by the Council, this residential tower block and its neighbours are earmarked for demolition.
10. The alternative site selection further indicates that other taller buildings along Jardine Crescent are of an insufficient height to provide coverage. A number of other sites, particularly towards the west, could not deliver

sufficient coverage within technical capabilities. One alternative site has already had permission refused for the siting of a mast whilst another has already had permission granted for redevelopment for housing. A proposal for an installation near the bus stop on Jardine Crescent, which would seem like a logical site that is distant from neighbouring homes and not overly prominent, was rejected due to technical limitations. Further options were also discounted due to site specific technical limitations or the visual impact and apparent visibility from neighbouring residential properties.

11. In its proposed location the mast would be quite close to a number of houses. However, this site does have the advantage that no principal windows to nearby homes would have intimate views over the installation. It is located adjacent to an existing vacant site which, from the evidence before me, is likely to be developed for housing. This site is positioned on highway land and should not unduly influence the development of the adjacent land.
12. No alternative sites for the antennae have been suggested by the Council or interested parties, nor has any party indicated that any of the alternate sites investigated by the appellant would be preferable to that proposed. The only alternate design put forward for this site was a lattice mast that would, quite clearly, be significantly more harmful to the appearance of the area.
13. Having regard to all these matters, none of the alternative options or locations that have been drawn to my attention are clearly preferable to that proposed by the appellant. I therefore conclude that the proposed installation would be no more intrusive than would be the case elsewhere in terms of its siting and appearance, and within the technical limitations of the existing network.
14. I have had regard to neighbour comments relating to health concerns about the proposed mast. Some comments have been about particular effects on those with health conditions, children or insect populations. These matters are, nevertheless, not under consideration in this appeal and the submitted documentation includes a declaration which confirms conformity to guidelines on exposure of the general public to electromagnetic fields as set out by the International Commission on Non-Ionising Radiation Protection (ICNIRP). The matter under consideration here has been set out in my reasoning above and is confined to the effect of the siting and appearance of the proposal.
15. I further appreciate that there have been a number of applications for masts in and around this area; no doubt because of the circumstances that have arisen due to the impending demolition of the tall buildings on Ferrers Close. Even so, I must determine the appeal proposal before me, notwithstanding that there have been other proposals nearby.

Conclusion

16. The Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing, and supports the expansion of electronic communications networks, including the introduction and maintenance of the 5G network.

17. In this case, I have identified that a degree of visual harm would be caused due to the proposed installation being set on a prominent corner. I have, however, also determined that the location is no more intrusive than any of the other reasonable alternatives that are before me. Insofar as they are relevant to my consideration of the siting and appearance of the proposed mast and cabinets, the development complies with policies C2 and DE1 of the CLP. As such, I conclude that the economic and social benefits accruing from the provision of an advanced, high quality and reliable communications network outweighs the visual harm that may be caused. Therefore, for the reasons given above, the appeal should be allowed, and prior approval is granted.

Conditions

18. There is no authority in this type of case to apply any conditions beyond those set out in the relevant part of the Order. These conditions specify that the development must be carried out in accordance with the details submitted with the application, begin within five years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes with the land being restored to its condition before the development took place.

Nick Bowden

INSPECTOR