



Appeal Decision

Site visit made on 26 March 2025

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/U4610/W/24/3357773

Land to the rear of 74 Jardine Crescent, Coventry CV4 9PQ

- 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 Icon Tower Infrastructure Limited against the decision of Coventry City Council.
 - The application Ref is PL/2024/0001386/PAEC.
 - The development proposed is the installation of a new 30m lattice mast, associated compound and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The location of the appeal site has been taken from the appeal form. While this differs slightly to that given on the application form, it appropriately describes the location of the site. The description of development has been amended to that shown on the application form, omitting reference to matters that are not an act of development. No party would be prejudiced by such.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.
4. Although the ground based equipment may benefit from permitted development rights, as the equipment is shown on the proposed plans, I have considered such as part of the appeal proposal in reaching my decision.
5. The Council has not referred to any development plan policies within its reason for refusal, although policies within the Coventry City Council Local Plan (December 2017) (CCLP) were referred to in its officer's report. There is no requirement to have regard to the development plan in respect of the proposal. Nevertheless, policies of the development plan are material considerations, insofar as they relate to matters of siting and appearance. Similarly, the National Planning Policy Framework (the Framework) is a material consideration and includes a section on supporting high quality communications.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on:
- the character and appearance of the surrounding area;
 - the living conditions of nearby residential occupiers, in particular regard to outlook and noise; and,
 - if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed, taking account of any suitable alternatives.

Reasons

Character and appearance

7. The appeal site is a vacant piece of land between a wooded area and a tall building, containing commercial premises at ground floor and residential apartments in 4 blocks at the upper floors. To one side there is a row of single storey domestic garages with hardstanding used for parking and servicing in front. Additionally, nearby there are a number of other existing high-rise buildings, including the blocks of flats to be demolished in Ferres Close beyond the small, wooded area behind the appeal site. Jardine Crescent is within a mixed use suburban area, including the neighbourhood shopping centre with residential above and further residential development beyond the wooded areas and further along the road and in adjoining roads. Despite the tall buildings and mixed uses, and that the appeal site is not within a Conservation Area, the extensive areas of tree coverage provide a general pleasant green character to the suburban area.
8. The appeal site is within a fairly enclosed location, set back from Jardine Crescent behind buildings and adjacent to a rear parking court and garages. Due to the location and as demonstrated from the photomontages, from certain viewpoints, the existing trees and tall buildings would obscure or reduce the visibility of the proposed mast, particularly from more distant views. Also, the associated ground level equipment would not be prominent, as they would be tucked in between the garage block and commercial buildings and would be small scale.
9. However, due to the proposed height of the mast, it would project above the surrounding tree canopy. It would be clearly visible and dominant from the footways within the adjacent wooded area and from Jardine Crescent between the apartment blocks along the road. Also, it would be visually prominent from the windows of the residential apartments within Jardine Crescent, particularly from the end apartment block, as one side of it faces, at an angle, toward the appeal site. Although, there would only be limited oblique views from the windows of the apartment block nearest to the appeal site, which has a stairwell on its end closest to the site.
10. Even though the existing telecommunication equipment on the tower blocks in Ferres Close are at a taller overall height than the proposed mast and are visible in the local area, they are less conspicuous when viewed from ground level in the immediate surrounding area, as views are diminished by the tower blocks themselves and tree canopies as you move away from the towers. Consequently, they do not appear unduly prominent within the surrounding area. Whereas the proposed lattice mast would not be of insignificant scale by itself, readily visible above the tree canopies from public vantage points. Furthermore, that it would be a

standalone tall structure capable of accommodating several antennas, would add to its undue prominence in the local area.

11. Therefore, despite that there would be screening of the proposal from certain directions, that the mast would be seen against the backdrop of existing trees and, it is proposed at the lowest height it can be without compromising operational efficiency of it, by virtue of its siting and appearance, including its height, it would appear unduly prominent and anomalous in its more immediate surroundings. This would harm the verdant, suburban character and appearance of the local area.
12. In view of the above, the siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the surrounding area. As far as this would be determinative on this matter, it would conflict with Policy DE1 and part of Policy C2 of the CCLP, which require development to have regard to the character and appearance of an area.
13. However, the proposal would not conflict with Policy GE2 of the CCLP, as it would not involve the loss of green space that is of value for amenity, recreational, outdoor sports and/or community use.

Living conditions

14. The proposed mast would be located close to apartments within the nearby buildings along Jardine Crescent. There would be no direct views of the mast from habitable room windows of the immediately adjacent apartment block, due to the position of such windows. Although, the mast would be clearly visible from windows in the end apartment block. The mast would appear as a dominant feature close to such residential properties and would also be particularly prominent from the parking and garage court of the nearby apartments. From such close views, the proposed mast would not be screened by existing trees and would appear as a stark and anomalous feature, which would be unduly prominent therefrom. This would unacceptably harm the outlook of the occupiers of nearby dwellings.
15. While no substantive details have been provided about the noise levels that would be omitted from the proposed development, the base equipment cabinets would be at ground level tucked at the rear of the nearby ground floor commercial premises in the Jardine Shopping Centre and to the side of a garage block. Also, although a snapshot in time, at the time of my site visit there were various noises being emitted from the commercial premises and rear service areas thereto, which were audible from within the site and surrounding area. In view of such location, other noises in the local area and that there are no ground floor residential properties immediately adjacent to the appeal site, it would be unlikely that the proposal would cause undue noise disturbance to nearby residents.
16. In view of the above, the siting and appearance of the proposed installation would have a harmful effect on the living conditions of nearby residential occupiers, in particular regard to outlook. Although, no harm would be caused to occupiers in regard to noise disturbance in this instance.

Suitable alternatives

17. Based on the evidence provided, the need for the replacement telecommunication base facility, to provide continued and improved network coverage and capacity is not disputed. Also, there is government and ministerial support for the development

of modern electronic communications. The Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing and sets out that planning policies and decisions should support the expansion of electronic communications networks.

18. Evidence has been provided about other sites considered, including 12 options in total and a short list of 6 were considered in further detail. Despite that some of the 6 shortlisted sites may not be within Citizen Housing ownership and require some vegetation removal, it is not set out whether other landowners have been unwilling to allow their sites to be used, or how much vegetation would need to be removed and the harm that may be caused by such. Also, the appeal site, while on a long term lease, is not owned by Citizen Housing either. Therefore, I am not persuaded from the evidence that all appropriate alternative sites within the search area have been comprehensively considered and that good reasons for discounting the other shortlisted sites are convincing in this instance.
19. Even if it would not be possible to fully screen a mast of the proposed scale located elsewhere, due to the need for operational effectiveness, in this instance there would be harm caused to the character and appearance of the surrounding area and the outlook of nearby residential properties. Such harm would be significant and it has not been unequivocally demonstrated that the alternative options considered would not provide more suitable sites in the local area, where less harm would be caused in terms of the siting and appearance of the proposed installation.
20. In view of the above, the harm I have found would not be outweighed by the need for the installation to be sited as proposed, taking account of any suitable alternatives.

Other Matters

21. A number of appeal decisions¹ have been brought to my attention about other telecommunication apparatus allowed elsewhere. Substantive information has not been provided with regard to the case examples, although, on reading the decisions, they relate to ground-based apparatus of varying sizes and design, in different locations and different local authority areas. While the relevant Inspectors recognised the importance of mobile connectivity in such cases, they are not directly comparable to the appeal proposal, as they do not share the same site context or location. Also, even though elsewhere in the country, similar infrastructure to the height of the proposal may have been deployed close to residential properties, I have considered the appeal proposal based on its individual merits.
22. The proposal would provide some social and economic benefits, including the following. It would provide a neutral host for mobile network operators (MNO) and so, offer the opportunity for up to 4 MNOs to share it. It would maintain network coverage for local residents and businesses and help support the growing need for network services. As asserted by the appellant, it would reduce the need for multiple smaller pole masts for the different operators within the area in replacement of the existing roof top installation. Also, the mast structure would be over-engineered to future proof it, to allow future upgrades and so, would allow

¹ Including appeal ref, APP/P4225/W/22/3310956; APP/J1915/W/22/3298342; APP/K2610/W/21/3280694; APP/L1765/W/18/3197522; APP/G4240/W/18/3201704; APP/B5480/W/20/3251086; APP/R5510/W/21/3269903; APP/E2205/W/20/3261389; APP/J4423/W/21/3268791.

services for 2G, 4G, 5G and beyond. Additionally, in allowing a replacement for the existing roof top mounted antennas, this will allow the planned demolition of the apartment blocks and comprehensive redevelopment of the local area.

23. However, in regard to prior approvals, the GDPO 2015 is clear that the only considerations should be the siting and appearance of the proposal. Consequently, whilst wider benefits exist, they have effectively been recognised by the grant of permission under Article 3(1) of this Order.
24. Also, the actions of the Council in the determination of the application is a neutral factor in considering matters of siting and appearance.
25. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conclusion

26. For the reasons given above, I conclude that the appeal should be dismissed.

C Billings

INSPECTOR