



Appeal Decision

Site visit made on 1 April 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/W4515/W/24/3358207

The Jolly Bowman, Addington Drive, Wallsend NE28 9UR

- 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 EE Limited and Hutchison 3G (UK) Ltd (MBNL) against the decision of North Tyneside Council.
 - The application Ref is 24/00661/TELGDO.
 - The development proposed is described as 'a new 20m high Valmont monopole with 9No. antennas between 15.6m-20m and 2No. 600mm dishes at 13.6m, 2No. GPS nodes and associated equipment. Works at ground level include the installation of cabinets and ancillary apparatus, as shown on the attached drawings. This proposed development is to replace a nearby telecoms site.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. I have had regard to the policies of the North Tyneside Local Plan (2017) and the National Planning Policy Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Background and Main Issues

4. The appellant applied to the Council as to whether prior approval was required for the siting and appearance of the proposed installation. The Council considered that prior approval was required and refused the application on the grounds that it would result in harm to the appearance of the site and the visual amenity of the wider area due to its height, prominent position and location in relation to residential properties. The properties in question are on Bewick Park and to a lesser degree Bathgate Close.

5. However, the appellant considers that prior approval should be granted. This is on the basis that the siting and appearance of the proposed installation would be similar to existing infrastructure in the area, that it incorporates mitigation to reduce its utilitarian look, and meets the requirements of siting and appearance in all respects. The appellant also considers there are limited alternative locations in what is a restricted search area and that it will also remove the need for additional masts. It would also replace an existing installation.
6. Social and economic benefits have also been raised, as well as various references to how the roll out of such development is supported by Government. However, the GPDO is clear that the only considerations should be siting and appearance. Those benefits have effectively been recognised by the grant of permission under Article 3(1) of the GPDO. 'Precedent' made by other such installations that have been the subject of appeal similarly falls outside of what can be considered under the GPDO.
7. Accordingly, the main issues are the effect of the siting and appearance of the proposed installation on (i) the character and appearance of the area; (ii) the living conditions of the occupiers of the nearest residential properties on Bewick Park and Bathgate Close by way of outlook; and (iii) if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed and taking into account any suitable alternatives.

Reasons

Character and Appearance

8. The appeal site comprises part of an area of open land that lies between the Addington Drive and Battle Hill Drive arms of a roundabout. This area of open land contains grassed areas, footways, a number of perimeter trees that are of a modest height, a safety rail and a dropped kerb. Immediately to the rear of where the proposed installation would be sited is a low boundary wall and landscaping associated with a public house. The associated main building is set well back from the boundary and is itself of a modest 2 and single storey height.
9. Most of the area in the vicinity of the site is residential in nature and presents a planned layout of largely 2 storey dwellings or else bungalows. The road verges are wide and so this allows long ranging views up to the roundabout, especially from the north and west. Along Middle Engine Lane to the east of the roundabout, there is a change in character in that development is of a commercial nature, including large retail units. The local infrastructure in these immediate surroundings include a prominent street lighting unit in the centre of the roundabout. It is slimline in form and is understood to be of a similar height to the proposed mast.
10. When the height of the proposed mast is considered with its siting in relation to the roundabout, it would be highly visible. The open land and wide verges, and the alignment of the roads themselves, would afford wide ranging views of the proposed mast in the wider environment. Its prominence would also be reinforced by that its height would be considerably greater than that of the buildings in its vicinity, especially when compared to the residential development and the public house.

11. The appearance of the proposed mast with the bulk of the antennas positioned at the top of a monopole would result in a dominant appearance. It would be incongruous because it would be in marked contrast in its overall form to other structures in its vicinity. Even though it would be of a height akin to the lighting unit on the roundabout, it would have a noticeably more top heavy appearance that would draw attention to that it would be out of character. The prominence of the location also means there is some degree of sensitivity that the proposed mast would be in conflict with, despite the lack of protective planning designations.
12. The remaining infrastructure around the roundabout is of a considerably lesser height and so does not provide sufficient justification for the proposed mast. Nor does the existing installation that would be replaced, because that lies on a college site well away from the roundabout. As a replacement mast in a different location, it would thus effectively be seen in the streetscene as a new feature. While fins are intended to be architectural features, it would still have the strongly utilitarian appearance of a telecommunications mast. The larger commercial development buildings would not appreciably mitigate the visual harm that would arise because they start on the opposite side of the roundabout,
13. The siting of the proposed equipment cabinets would add to the overall harm because they would add to the clutter of structures with the proposed mast in what is currently a largely open location. The numbers of such cabinets proposed are also considerably greater than others found in the vicinity of the roundabout. In addition, the trees around this open land area would not provide a strong visual screen because they are also of a considerably lesser height than the proposed mast and as they are well spaced out around the perimeter.
14. Taking account of the above, I conclude that the siting and appearance of the proposed installation would have an unacceptable effect on the character and appearance of the area.

Living Conditions

15. Bewick Park consists of an area of relatively modern housing that lies on the opposite side of Addington Drive to the site. The rears of the nearest associated dwellings are orientated towards the site. In particular, there are houses where first floor windows look directly towards this area of open land. Separation is also provided by a verge area and infrastructure associated with the roundabout.
16. When the siting of the proposed mast in relation to these properties on Bewick Park is considered with its height and functional appearance, it would be likely visible from the first floor rear windows as a prominent and out of keeping structure. While the intervening distance would be appreciable and planting in the verge area nearest these properties in particular would provide some screening, it would still have an adverse impact on the outlook from the rear of those properties.
17. Bathgate Close is found on the opposite side of the Battle Hill Drive arm of the roundabout. The associated houses either have their main elevations facing one another or else face over the roundabout itself, rather than towards the site. The effect on the outlook from these properties would not be adverse. This would however not address the harm that would arise to the outlook from the Bewick Park properties.

18. I conclude that the siting and appearance of the proposed installation would have an unacceptable effect on the living conditions of the occupiers of the nearest residential properties on Bewick Park by way of outlook. The effect on the occupiers of the nearest residential properties on Bathgate Close by way of outlook would not be unacceptable.

Need for the Proposed Installation in this Location and Alternative Sites

19. The need for the proposed installation in this location is largely twofold. The existing telecommunications equipment will no longer be able to serve the coverage area because a notice to quit that site has been served. The appellant has also identified that the north-east of the coverage area has a weaker service and so wishes for the proposed installation to be more centrally sited within it. The evidence establishes that it would provide more complete coverage for this area. It would also provide apparatus for two operators who would share the installation.
20. The alternative sites that have been investigated include an area of grass verge adjacent to a retail unit, to the south-east of the roundabout and set back from Middle Engine Lane. Car parking and then a further retail unit is found adjacent, and to the rear there are trees and then a dual carriageway. The justification over why this site was discounted is however ambiguous as it is stated that it was not deemed suitable to house the proposed telecommunications equipment. If there are significant construction and radio planning challenges which arise from erecting the proposed installation on this area of grass verge, it is not evident what they may be. While it would not be reasonably expected to interfere with the car parking and footways around the retail unit, this does not account for the grass verge area itself or why it would be restricted, based on the evidence submitted.
21. In addition, it has been stated that in order to meet the requirements for the operator then a significantly taller mast would be required on this alternative site, and this would be unlikely to be favourable to the site provider or local community. As this site would be adjacent to a large commercial building and well away from residential properties, it is not clear why this would be the case. Even if the mast height would need to be higher, there is not compelling information that such a location would not be able to accommodate such a structure. It is not a prominent location. A taller mast may also reduce the need for additional installations.
22. The other alternative sites investigated would be less preferable as they would be in locations that would be at least as close to residential properties, close to a school, less central to the coverage area, as prominent or would be too confined due to the presence of narrow footways. Other sites and broad locations which have been suggested by an Interested Party and the Council would not be suitable or else lie outside of the coverage area. However, this does not address that the site adjacent to the retail unit would warrant further attention before it can be properly discounted in planning terms.

Other Matters

23. Concerns have been raised about potential effects on health. However, 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, 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 in this regard would be justified.

Balancing Exercise and Conclusion

24. The siting and appearance of the proposed installation would result in unacceptable effects with regard to both the character and appearance of the area, and on the living conditions of the occupiers of the nearest residential properties on Bewick Park by way of outlook. On the other hand, it has been ably demonstrated there is a need for the proposed installation in this area. This is due to the loss of the current site and the geographical coverage that would result. Mast sharing is also proposed.
25. The likelihood that a more suitable site may be reasonably available cannot however be discounted. The evidence on the site adjacent to the retail unit is not compelling. As such, the need for the proposed installation in this location and alternative sites does not outweigh the harm that would arise to character and appearance, and living conditions.
26. The proposal thus fails against the prior approval matters of siting and appearance, as are set out by paragraph A.3 (4). As a result, it would not satisfy the requirements of Class A of Schedule 2, Part 16 of the GPDO and, therefore, is not development permitted by it. For these reasons, the appeal should be dismissed.

Darren Hendley

INSPECTOR