



## Appeal Decision

Site visit made on 20 December 2022

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 December 2022**

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**Appeal Ref: APP/F4410/W/22/3298825**

**Doncaster Road, Armthorpe, Doncaster, Yorkshire DN3 2BX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 21/03607/TEL, dated 16 December 2021, was refused by notice dated 3 March 2022.
  - The development proposed is 5G telecoms installation: H3G phase 8 20m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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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) under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the Council to assess the proposed development solely on the basis of its siting and appearance, taking account of any representations received. My determination of the appeal has been made on the same basis.
3. The principle of development is established by the GPDO (2015) and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless had regard to the policies of the Doncaster Local Plan 2021 (DLP), and the National Planning Policy Framework (the Framework), only in so far as they are a material consideration relevant to matters of siting and appearance.
4. I have used the description of development as shown on the Council's decision notice and the appellant's appeal form, as there was no specific description in the relevant box on the planning application form. I have determined the appeal accordingly.

### Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether that harm would be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

## Reasons

6. The appeal site is located on a verge to the front of Tadcaster Court, a modern 3 storey development of commercial premises with flats above. The surrounding area is predominantly residential in character with nearby dwellings typically 2-storeys in height. This part of Doncaster Road has a more open character due to the set back of Tadcaster Court behind a car park, and the presence of a walled garden on the opposite side of the road. The existence of grass verges and occasional tree planting contributes to the pleasant character of the street scene.
7. Street furniture is common along Doncaster Road with a regular pattern of lighting columns to either side of the road, which due to its straight and flat alignment are visible for some distance in an easterly direction. Whilst the proposed mast would be seen alongside the adjacent lighting columns, at 10m high (as cited by the appellant), they would only serve to emphasise its significant height. Whether or not such structures have been designed to be deployed on pavements and verges, the proposed 20m mast would become the tallest structure in the street scene towering above the existing vertical structures already present, be greater in thickness and a noticeably different shape. It would further be significantly taller than the adjacent 3-storey building which the submitted plans indicate is 11.3m to the ridge of the roof.
8. The appellant suggests that the site benefits from existing trees. At the time of my visit, there were no trees within the appeal site. Whilst there are a small number of trees within the front garden of the adjacent dwelling to the west, they do not appear to be comparable in height to the proposed mast. Moreover, the trees are separated from the appeal site by the access to the Tadcaster Court parking area, such that they would not assist in ameliorating the effects of the proposal.
9. Due to its position forward of Tadcaster Court and without any particular backdrop, the mast would become a dominant and highly prominent vertical feature, at odds with the scale of the surrounding development. This would be experienced by passing motorists and pedestrians for some distance, given the straight, flat alignment of the road to the west of the appeal site. In addition, the proposed equipment cabinets, whilst typical of street scene furniture, due to their size, lack of backdrop and linear positions would result in an oppressive form of development that would erode the open frontage of Tadcaster Court. Colouring the mast and cabinets black would not mitigate the impact of the position, height and form of the proposed development. The proposal would therefore detract significantly from the visual quality of the area.
10. The appellant suggests that the mast would not be in front of any properties. However, it would be directly to the front and therefore visible from the flats within Tadcaster Court. The proposed mast due to its height and form would be visually intrusive so as to harm the outlook afforded to the occupants of these neighbouring dwellings.
11. I have had regard to the support in the Framework for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I have also noted the 'Collaborating for Digital Connectivity' communication from the Department for Digital, Cultural, Media and Sport which the appellant has referred me to. I recognise that there is a need to

support the expansion of the electronic communications network, and the specific support for 5G infrastructure. I attach considerable weight to the social and economic benefits that 5G coverage would bring to local residents and businesses accordingly.

12. An assessment of 6 other potential locations has been made that have been discounted for reasons of site constraints. This is a relatively limited selection that does not appear to have considered siting apparatus on existing buildings as required by the Framework, nor sites on private land. The Council consider that there may be alternative, less visually prominent sites along Doncaster Road. There is no evidence before me to indicate that the sites suggested by the Council have been contemplated by the appellant, nor reasons why they could not be considered. I cannot therefore be certain, that more suitable sites are not reasonably available within the coverage area, and that the chosen location is necessarily the least harmful in terms of its visual effects.
13. Overall, I conclude that the proposed mast would result in an incongruous and dominant addition to the street scene, resulting in significant harm to the character and appearance of the area. This harm is not outweighed by the social and economic benefits of 5G coverage. In so far as they are material considerations, the proposal would be contrary to Policies 21, 41 and 46 of the DLP which seek to ensure that new development is of a high quality, compatible with its surroundings and that telecommunications apparatus is sited to minimise the visual impact of the proposal. It would also conflict with paragraph 115 of the Framework which seeks to facilitate the growth of new telecommunications systems, whilst keeping environmental impact to a minimum.

### **Other Matters**

14. The appellant suggests, in their words, that there were not a huge amount of objections to the proposal. Be that as it may, limited objections do not justify development that I have found would be visually harmful as a result of its siting and appearance.
15. The Planning Practice Guide is clear that pre-application advice cannot pre-empt the democratic decision-making process, or a particular outcome in respect of a formal planning application. This does not affect my overall findings.

### **Conclusion**

16. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

*M Clowes*

INSPECTOR