



Appeal Decision

Site visit made on 23 January 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/K2230/W/23/3326886

The Grove Street Works, The Grove, Kent DA12 1DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Gallivan (CK Hutchison Networks (UK) Limited) against the decision of Gravesham Borough Council.
 - The application Ref 20230020, dated 6 January 2023, was refused by notice dated 21 February 2023.
 - The development proposed is a 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GDPO), 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. It does not require regard to be had to the development plan.
3. As such, I have considered Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and the National Planning Policy Framework (the Framework) only insofar as they are material considerations relevant to matters of siting and appearance.
4. A revised version of the Framework was published on 19 December 2023. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

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, the living conditions of the occupiers of the nearby residential properties due to outlook and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives; and

- whether the appropriate consultations were carried out.

Reasons

Siting and appearance

6. The proposal would be installed on a prominent section of pavement on The Grove, close to its junction with Parrock Street. The block of flats Fairways Court is located on the corner between these two roads and there are two tall trees situated on the pavement. Despite the character of the area being that of a road junction with existing lampposts, traffic signals and street furniture, the wide pavement where the site is located together with the car park opposite the site provide a feel of spaciousness to the junction.
7. The telecom pole would be highly visible and much taller than any other structure or tree in the immediate area. Due to its height and width, the telecom pole would stand out as a visually prominent and intrusive feature that would dominate views to and around the junction. The existing trees would fail to provide adequate mitigation, given that the telecom pole would stand above them. Thus, the telecom pole would appear incongruous in the street scene, to the detriment of the character of the area.
8. The outlook from the flats at Fairways Court would be directly towards the proposed installation at a very limited distance. The telecom pole due to its height and width would therefore appear visually intrusive and result in a poor outlook to the occupants of Fairways Court.
9. The proposal is required to extend the 5G mast infrastructure and the appellant explains that due to the higher frequencies utilised, the cell areas for 5G services are smaller than that required for the earlier generations of telecommunication. The intended target/search area has a radius of approximately 100m and is centred over the Milton area.
10. The appellant has carried out a sequential approach to site selection and a list of alternative sites are included in the submission together with a map showing their location. Six alternative sites have been discounted. The explanations for this are brief, but the reasons appear to relate to the practicalities of the installation, together with visibility splays or due to being in a residential area.
11. Whereas I accept the reasons for discounting the alternative sites, the sequential approach requires consideration to be given to the possibility of mast /site sharing as a first instance, followed by utilising existing buildings / structures to accommodate the new telecom installation. I have not been provided with compelling evidence to demonstrate that these options have been fully considered. As such, from the information submitted, I am unable to conclude whether a less visually intrusive location that would meet the appellant's requirements would be available within the wider urban area.
12. Notwithstanding that the appeal site does not lie within any environmental or heritage designations and that telecom poles are often found in urban locations, the proposed pole would be especially intrusive in this setting and cause harm as I have stated.

Consultations

13. The Framework states that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include, amongst others, the outcome of consultations with organisations with an interest in the proposed development, including where a mast is to be installed near a school or college.
14. My attention is drawn to a school and a nursery that lie near the site. The appellant advises that consultations were carried out, albeit it appears that no responses have been received. On the evidence before me, I am therefore satisfied that the appellant has carried out the appropriate consultations, in accordance with Schedule 2, Part 16, Class A of the GPDO and with the Framework.

Other Matters

15. I appreciate the appellant's objectives to follow the Government's commitment to improving high speed 5G mobile connectivity and the benefits this would have to the local area, where an acute need for a new base station to provide effective service coverage has been identified. I also note the social and economic benefits to businesses and the community of a high-quality communications infrastructure. However, there is no need for me to take these matters into account in considering the matters of siting and appearance.

Conclusion

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

P Terceiro

INSPECTOR