



## Appeal Decision

Site visit made on 26 July 2022

by **C Megginson BA(hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 23<sup>rd</sup> August 2022**

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**Appeal Ref: APP/N1350/W/22/3298389**

**Albert Hill, Off Roundabout, Darlington DL1 1JL**

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Darlington Borough Council.
  - The application Ref 21/01189/PA, dated 13 October 2021, was refused by notice dated 2 December 2021.
  - The development proposed is describes as a 5G telecoms installation: 15 metre high 'slim line' Phase 8 H3G street pole c/w wrap around cabinet and 3no. cabinets with ancillary works– to be coloured grey.
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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 decision notice for the application that is the subject of this appeal refers to the Darlington Core Strategy (2011). Subsequent to the submission of this appeal, the Darlington Local Plan was adopted in February 2022. This document replaces the Core Strategy policies and therefore the above policies have been superseded. Both parties have had a chance to comment on this and where received these have been taken into account.
4. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the Darlington Local Plan (2022) (the Local Plan) 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.

### 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. If any harm would

occur, whether this is outweighed by the need for the installation to be sited as proposed having regard to the potential availability of alternative sites.

## Reasons

6. The appeal site is an area of grassed open space, to the south of Albert Hill Roundabout. Vertical structures including streetlights up to approximately 8m high are common in the street scene; however, these have regularity in height, spacing and siting. Adjacent to the appeal site to the are two storey residential properties, which overlook the site.
7. Whilst the proposed monopole has been lowered from a previously proposed height of 20m, it would be significantly greater than the existing vertical structures already present and would be greater in thickness and a noticeably different shape. Despite a similar grey colour, this would appear alien and unexpected in such a context and would interrupt the regular rhythm of spacing between the existing streetlights. Other vertical structures in the area include traffic lights and 'totem' style advertisement associated with the petrol filling station and supermarket, however, these are significantly smaller in scale than the proposal.
8. There are a number of trees and shrubs adjacent to the appeal site and along the surrounding streets which may provide some screening when in full leaf, nevertheless, the prominent roadside position would remain highly visible from the surrounding residential area. The three and four storey flatted developments noted by the appellant are situated at some distance away from the appeal site, across the roundabout, and therefore do not form part of the immediate context within which the proposal will be viewed. The proposal would stand out as an incongruous feature, would add to the visual clutter and would cause harm to the character and appearance of the area, visible from both long and short range views around and beyond the roundabout.
9. Insofar as they are a material consideration, the proposal would be contrary to the aims of Policy IN7 of the Local Plan, which seek to minimise the impact on visual amenity as well as the Framework's policies for achieving well-designed places. Consequently, I consider that the siting and appearance of the proposal would unacceptably harm the character and appearance of the area.
10. Paragraph 115 of the Framework states that the number of communications masts and the sites for such installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It encourages the use of existing masts. The appellant has investigated alternative sites as required by paragraph 117 of the Framework and discounted them, in summary, due to lack of available space and visibility issues. Based on the submitted evidence, I am not convinced that all potential alternative sites have been fully explored or sufficient detailed justification provided to support the discounting of these sites.
11. I appreciate that the search area for the proposed development is constrained, nevertheless, I am not convinced that less harmful alternatives have been properly explored. I attach significant weight to the benefits that the roll out of 5G coverage would provide. However, these matters are not sufficient to outweigh the effect of the proposed installation on the character and appearance of the area.

**Other Matters**

12. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

**Conclusion**

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

*C Megginson*

INSPECTOR