



Appeal Decision

Site visit made on 7 February 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2023

Appeal Ref: APP/N1350/W/22/3312986

Coniscliffe Road, Opposite the New Grange Hotel, Coniscliffe Road, Darlington DL3 7HZ

- 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 MBNL against the decision of Darlington Borough Council.
 - The application Ref 22/01112/PA, dated 27 July 2022, was refused by notice dated 1 December 2022.
 - The development proposed is described as 'telecommunications installation of a 20.00m High H3G Phase 7 Monopole and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant name, address and description in the banner heading has been taken from the planning application form, rather than the Council's decision notice or the appeal form. No evidence has been provided that a change was agreed.
3. The submitted drawings show existing equipment, which is to be removed. This is located within a grass verge on Coniscliffe Road. However, the relocation of equipment and installation of a new 20m monopole would be across from this site on the public footway, adjacent to Westcliffe Court on the B6280. However, the Council has considered the application on the basis of the site address in the banner heading and so shall I.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, 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.
5. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. Nevertheless, Policies IN7 and ENV1 of the Darlington Local Plan 2016 – 2023 (the Local Plan) are material considerations as they relate to issues of siting and appearance. In particular they refer to telecommunications masts, and heritage assets. Similarly, the National Planning Policy Framework is also a material consideration, and this

- also includes a section on supporting high quality communications and heritage assets.
6. It has been suggested that the proposed cabinets do not require prior approval. Nevertheless, they are shown on the submitted plans and included in the description of development. Therefore, I have considered them as part of the appeal scheme.
 7. The appeal site is within the Darlington West End Conservation Area (CA) and within the setting of the Grade II listed building. Section 72 of The Act requires me to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. As noted above, the Framework is also a material consideration in respect of heritage assets.

Main Issues

8. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including the effect on designated heritage assets.

Reasons

9. The immediate area is dominated by the Grange Road Roundabout the Grade II listed building, Hotel Bannatyne, formerly the Grange Hotel. There is a gradual incline from the A167 where it joins the B6280 Coniscliffe Road to where the hotel is prominently sited. The appeal site is located within the public footway in front of Westcliffe Court and close to the hotel. This is a mixed-use area, comprising nearby shops and services with a key transport route.
10. The significance of the CA is derived from its high-density suburban character including villas in substantial grounds as well as its tree coverage and open spaces. The Council's CA appraisal identifies that as the CA is principally either side of two major routes into town, which meet at the Grange Road roundabout, it makes a significant contribution to the wider character of the town. The appeal site being sited close to the roundabout from these main routes thus displays similar attributes to contribute to the CA. To my mind, the significance of the hotel lies in its architectural quality, siting and spacious frontage, scale and prominent position.
11. The monopole mast and the equipment cabinets would be positioned adjacent to the back edge of the footway in front of a substantial brick wall. This wall separates the footway from Westcliffe Court. On the opposing side of this smaller road are mature trees, which continue within the grounds of the Grade II Listed Hotel.
12. Whilst, the hotel is a substantial building, and there are trees beyond Westcliffe Court, these are separated from the appeal site creating a space around it. The submitted drawings show the height of the monopole would be significantly taller than nearby trees, which therefore would not provide full screening. Thus, given the 20m height, the monopole would appear highly visible, prominent and isolated in its setting.
13. The presence of signage, street light columns, trees, cctv equipment and the roundabout, despite their utilitarian appearance would not mitigate the visual impact of the proposal. Although the monopole would be of a slim design, and the antennas would not be as bulky, as they would not combine or share with

other operators, there would still be little in the area to visibly relate or mitigate the height of the mast proposed here.

14. I do not find the positioning or number of base cabinets to be visually harmful. However, the proposed monopole would clearly be visible in views within the CA. I also observed on site that there would be views towards the hotel as well as from within its grounds and the wider public domain. Insofar as is relevant to the proposal, the utilitarian appearance of the monopole would harmfully contrast with the traditional appearance of the listed building and undermine its open and prominent setting as well as interfering with experiencing the listed building within its grounds. Therefore, the proposal would harm the significance of the listed building by adversely affect its setting.
15. The main open frontage and setting of the listed building would therefore be affected. As this aspect of its significance makes a contribution to the character and appearance of the CA, for the same reasons I therefore find that the proposal would not preserve or enhance the character of the CA and character and appearance of the area.
16. Overall, the effect of the proposed development on the area would be harmful and adversely affect the significance of the listed building and the CA. This level of harm would be less than substantial. The Framework¹ states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. These are also matters which are also similarly required by the Council's policies.

Other Matters

17. I noted the proposal was to be sited within the pavement, with smaller shrub type trees behind the brick wall. I can also see that the monopole would be higher than trees and as described by the appellant surrounding clutter to secure suitable coverage. Thus, I find the threat to substantial nearby trees here would be limited. However, as I have dismissed the appeal for other reasons, the impact on trees could be a future consideration on any alternative proposal before the Council.

Planning Balance and Conclusion

18. There is a clear need for, and importance of, the rollout of the 5G network. The Framework² is clear that the provision of high-quality communications infrastructure is essential for economic growth and social well-being. It also outlines that the expansion of electronic communications networks, including next generation mobile technology, should be supported. The proposal would facilitate 5G coverage and I have had regard to the public benefits of this upgraded connectivity and technology would have to residents and businesses in the area. Cumulatively, these factors and public benefits weigh in the scheme's favour significantly.
19. The Framework³ also advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. The appellant contends that the proposal seeks to keep

¹ Paragraph 202

² Paragraph 114

³ Paragraph 117

the amount of development to a minimum, that the height is required for clearance, and that the existing equipment and site cannot be removed until new provision is made. Whilst this is supported by the Framework⁴, herein it also provides guidance that equipment should be sympathetically designed and camouflaged where appropriate. Whilst the mast is slim, for the reasons above I have found the proposal would not be sympathetic to its context.

20. The appellant did notify the Council and key stakeholders. However, it is not evident what the extent of the constrained search area is. The appellant asserts in the submitted Site Specific Supplementary Information (SSSI) that no alternative site options have been investigated citing that the location was agreed by the Council as the most appropriate location when the original installation was approved, and thus the principle of the siting is already established. I have no substantive evidence if this was for the appeal site. Nor do I have details of this previous consent, the sites considered or the Council's response. The appellant considers that this site is beneficial given the remaining residential character of the area. However, the site is in close proximity to large supermarkets and the town centre. Without substantive evidence explaining the search area I can only attribute this aspect limited weight.
21. Whilst I note the provision of further documents from the appellant in respect of health and public exposure, I am also guided by the advice within the Framework which requires consideration of planning grounds only or set health safeguards different from the International Commission guidelines for public exposure, for which a certificate has been provided. Accordingly, this is a neutral factor in my assessment.
22. I do not consider the existing mast to be removed is comparable in terms of scale and location or mitigation. This is said by the appellant to be the minimum size possible to accommodate multiple-generation technologies. I acknowledge that telecommunications equipment are now a common place, and the appellants have advised suitable colours for the equipment could be the subject of a condition to aid in its integration of the streetscape. However, the Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. In any event as I have found that the proposal would harm the character and appearance of the local area and the significance of a designated heritage assets, this would not mitigate the harm.
23. The appellants state the proposal has not received objections from the Council's Highway Engineer or Environmental Health. I also do not find that the monopole, or associated cabinets would affect highway safety. The appellant contends that the proposal has been sited to minimise impact on neighbouring residents, which I agree with. The absence of harm in this respect of these matters is a neutral factor.
24. Whilst the provision of the telecommunication apparatus would seek to improve mobile phone coverage in the area, with clear associated economic and social benefits, these benefits would not outweigh the less than substantial harm that would be caused to the character and appearance of the CA and the listed building, having regard to the great weight that I must attach to their conservation.

⁴ Paragraph 115

25. Although, there are benefits arising from the development. Having regard to all relevant considerations including national planning policy, I do not consider that the benefits of the installation in terms of the enhancement of the telecommunications network outweigh the harm that would arise to the character and appearance of the area, the CA and the Listed Building.
26. For the reasons given above, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR