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# Appeal Decision

Site visit made on 31 August 2011

**by Victor Crumley DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 September 2011**

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**Appeal Ref: APP/W0734/A/11/2154882**

**Rear of adopted footpath at Tollesby Road, Acklam, Middlesbrough  
TS5 7RB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Telefonica O2 UK Ltd against the decision of Middlesbrough Council.
  - The application Ref M/24/0171/11/P, dated 15 February 2011, was refused by notice dated 12 April 2011.
  - The development proposed is installation of radio base station comprising 17.5m slim-line column with 6 antennae, equipment cabinet and meter pillar.
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## Decision

1. The appeal is allowed and planning permission is granted for installation of radio base station comprising 17.5m slim-line column with 6 antennae, equipment cabinet and meter pillar, at the rear of the adopted footpath at Tollesby Road, Acklam, Middlesbrough, in accordance with the terms of the application, Ref M/24/0171/11/P, dated 15 February 2011, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development shall be carried out only in accordance with the details contained in the plans hereby approved, as follows:

Location maps: drawing No. 100, issue b, dated 5 November 2010

Site Plan: drawing No. 201, issue C, dated 5 November 2010

Site elevation: drawing No. 301, issue C, dated 5 November 2010

Antenna and equipment layout: drawing No. 400, issue C, dated 5 November 2010.
  - 3) No development shall take place until samples of the colour to be used in the finishing of the external surfaces of the mast and cabin hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

## **Main Issue**

2. I consider the main issue in this appeal to be the effect of the column and equipment proposed upon the character and appearance of the street scene, and upon the outlook of the occupiers of nearby houses.

## **Reasons**

3. The appeal site is the rear of the footpath which fronts an open sports ground on the east side of Tollesby Road. A Scouts hall, surrounded by further extensive open land, lies opposite. These open spaces together with the surrounding houses form an attractive residential area. The appeal proposal envisages the erection of a 17.5m high mobile phone mast and equipment cabinet, coloured grey, at a point some 50m north of the nearest house at No.11 Tollesby Road. The mast would be a shared facility and would meet the local needs of two mobile phone operating companies.
4. At 17.5m the column is higher than many similar installations, but the appellant argues that this is essential to provide the necessary signal to the target area. It is clear from the signal coverage plots provided that the immediate surrounding area suffers poor coverage by comparison with the required standards, and I accept that there is a need for improved service in the area. The appellant company has also provided information on several other sites which they have examined, all of which proved unsuitable or unavailable. These matters were not disputed by the Council.

### *Street scene*

5. A mast of this size would be highly prominent in the street scene. There are street lighting columns and a telephone pole in the street nearby. The telephone pole, sited close to the appeal site, is shown on the appeal plans to be some 8m high, and I estimate the lighting columns to be about 9m high. These appear proportionate to the 2-storey semi-detached houses which line the street. By comparison, the new column would be more than twice as high as the telephone pole, and would appear prominent in the street scene.
6. Though prominent, the mast would be of simple and relatively slim appearance. In addition, it would be sited adjacent to a substantial tree some 13m high and with a spread of about 14m. Seen along Tollesby Road from the south, the tree would provide a distinctive green background which would soften the appearance of the column, while from the north it would largely screen the lower half. While the mast would remain clearly visible above the tree, and would remain unscreened from the open spaces to east and west, the tree would to my mind contribute a useful degree of mitigation of the impact of the column on its surroundings, and help to assimilate it into the street scene. Even in winter, the dense branches of the tree would have a lesser but positive effect in reducing the visual impact of the mast. In these circumstances, I find that the proposal would not have an unacceptable adverse effect on the character and appearance of the street scene.

### *Residential outlook*

7. The semi-detached dwelling at No.11 Tollesby Road, about 50m to the south, has large side windows facing northwards towards the site. From here the column would be clearly seen, but the background of the tree and the distance from the house would to my mind go some way to reducing its visual impact as

seen from these windows. Other dwellings that face towards the site are considerably further away, and those to the north, well over 100m distant, would view it through the adjacent tree. Though it would be clearly visible from many properties, these considerations lead me to conclude that the pole would not have an unacceptable adverse effect on the living conditions of the occupiers of nearby houses.

### **Other matters**

8. Occupiers of nearby houses have expressed concern that the mast could result in hazards to health. Government guidance in 'Planning Policy Guidance 8: Telecommunications' (PPG 8) indicates that the planning system is not the place for determining health safeguards. It further states that if a proposed mobile phone base station meets the ICNIRP<sup>1</sup> guidelines, it should not be necessary to consider further the health aspects of the development and concerns about them. The appellant has confirmed that the proposed equipment would comply with these guidelines. I am not aware of any other consideration which would justify setting aside the advice in PPG 8 on this matter, and I must therefore conclude that the health fears of local residents should not weigh significantly against the development.

### **Conclusion**

9. Policy DC1 of the Middlesbrough Core Strategy requires that the visual appearance of development and its relationship with the surroundings should be of a high standard, and that there should be minimal impact on the surrounding environment. Notwithstanding the mitigation that I have described above, and my conclusion that the column would not have an unacceptable adverse effect on amenity, it cannot, in my view, be claimed that the proposal achieves these requirements. However, this policy is not designed to meet the particular requirements of the local expansion of the mobile phone network, and no policy specifically designed to help in considering such proposals has been drawn to my attention.
10. Government guidance in PPG 8 makes clear the priority attached by the Government to the completion of a high quality network. The gaps in coverage, and the absence of alternative sites have been demonstrated, and are not disputed. The proposal would meet the needs of two companies, and reflects the encouragement in PPG 8 for mast-sharing. I understand the concern of the Council and residents about the visual impact of the proposal. However, in all the circumstances, I conclude that the need for the proposal outweighs the inability to comply fully with the relevant parts of Core Strategy Policy DC1. Conditions of permission are required to limit the permission to the details set out on the approved plans, for the avoidance of doubt and in the interests of good planning; and to secure prior agreement to the precise colour to be used, in the interests of amenity. Subject to this, I conclude that the appeal should be allowed and planning permission granted.

*Victor Crumley*

INSPECTOR

<sup>1</sup> International Council on Non-Ionizing Radiation Protection