



## Appeal Decision

Site visit made on 28 March 2023

**by N Teasdale BA (Hons) DipTP MRTPI**

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

**Decision date: 15 May 2023**

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**Appeal Ref: APP/H4505/W/23/3315361**

**Coatsworth Road, Ochre Yards, Bensham, Gateshead NE8 1PU**

- 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 Gateshead Metropolitan Borough Council.
  - The application Ref DC/22/00971/TDPA, dated 21 August 2022, was refused by notice dated 19 October 2022.
  - The development proposed is 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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### Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works on land at Coatsworth Road, Ochre Yards, Bensham, Gateshead NE8 1PU in accordance with the terms of the application, Ref DC/22/00971/TDPA, dated 21 August 2022, and the plans submitted with it including, 002 Site Location Plan Drawing No. GTH18273\_M002 Issue B; 210 Proposed Site Plan Drawing No. GTH18273\_M002 Issue B; and 260 Proposed Elevation Drawing No. GTH18273\_M002 Issue B.

### Procedural Matter

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.

### Planning Policy

3. 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 development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

## **Main Issue**

4. The main issue is the effect of the siting of the development on the setting of the Grade II Listed Public House.

## **Reasons**

5. The appeal site is located on the pavement along Coatsworth Road which is a busy road and is directly adjacent a palisade fence beyond of which lie a linear row of mature tree coverage. There are both residential and commercial/retail uses in the immediate vicinity including The Crown Public House which is located further along Coatsworth Road. There are further trees located along this stretch of road as well as several other trees located on the opposite side of the road. A number of streetlights and road signs also line Coatsworth Road.
6. The Crown Public House is a Grade II listed building and as such, I have had regard to paragraph 199 of the Framework which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The listed building's significance is derived from its historic and aesthetic merits. The view of the street from the Public House is tree-lined along Coatsworth Road providing a sense of openness and spaciousness within the street scene and acting as a visual buffer between newer built development. The view from the Public House therefore makes a positive contribution to the overall setting of the listed building which in turn makes a positive contribution to the significance of the listed building.
8. The proposed development would be located on the pavement in front of the trees which line Coatsworth Road and the monopole would be positioned centrally between two trees. The Council accept that the roots of the trees would not be impacted. Their main concern therefore relates to the impact upon the canopies of the trees by installing the monopole.
9. I observed at my site visit the extent of the canopy area and whilst only a snapshot in time, I noted that the trees are located a short distance behind the fence and so the majority of the canopies are also largely contained beyond the fence away from where the installation would take place. I accept that the monopole may lead to some pruning of the canopy area given that there is some limited spread over the appeal site. However, I do not consider that any pruning would be significant given the limited extent of the canopy spread and the proposed positioning centrally between two trees which would further minimise the level of interference.
10. The large number of trees and other street furniture in the area currently provide a good level of screening from newer development when viewed from the Grade II listed building and would continue to do so even if the land behind the tree line is developed for housing as per its allocation. However, even taking into account a level of pruning to facilitate the works, it would not be so substantial as to materially or harmfully effect the setting of the Grade II listed building where the view would largely be retained. The significance of the listed building would therefore be conserved.
11. Accordingly, I find that the siting of the proposed development would be acceptable, and it would preserve the setting of the Grade II Listed Public House. Whilst not determinative, in this respect the proposal complies with

Policy CS15 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, 2015 and Policies MSGP24 and MSGP25 and MSG36 of the Site Allocations and Development Management Policies Making Spaces for Growing Places, 2021 (MSGP) which together, amongst other matters, requires development to respect and enhance significant views and the setting of heritage assets. The proposed development would also accord with chapter 16 of the Framework which relates to conserving and enhancing the historic environment.

### **Conditions**

12. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

### **Conclusion**

13. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

*N Teasdale*

INSPECTOR