



# Appeal Decision

Site visit made on 23 January 2024

**by A Caines BSc(Hons) MSc TP MRTPI**

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

**Decision date: 5<sup>th</sup> February 2024**

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**Appeal Ref: APP/H4505/W/23/3334586**

**Grass Verge South of Split Crow Road, East of junction with Deckham Terrace, Gateshead, Tyne and Wear NE8 3TX**

- 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 GPDO).
  - The appeal is made by Cornerstone against the decision of Gateshead Council.
  - The application Ref DC/23/00329/TDPA, dated 3 April 2023, was refused by notice dated 6 June 2023.
  - The development proposed is a 20m slim-line monopole supporting 6 no. antennas and 2 no. transmission dishes, 2 no. equipment cabinets, and ancillary development thereto including 3 no. Remote Radio Units (RRUs) and 1 no. GPS module.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and the living conditions of the occupiers of houses close to the site; 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 alternative sites.

## Reasons

3. The appeal follows a decision by the Council not to give their approval for the siting and appearance of a development that would otherwise be permitted under Part 16 of Schedule 2 to the GPDO. The permission granted under the GPDO is equal to an outline planning permission and the consideration of the proposal is limited to its siting and appearance, taking into account any representations received.
4. The proposal has been put forward as an upgrade of an existing telecommunications site, which currently comprises a 15m high mast and associated cabinets located within the pavement outside a former public house on the north side of Split Crow Road. I saw that the existing mast sits acceptably within the street scene. Although slightly higher than the streetlights and surrounding two and three storey buildings, in longer distance views its siting and appearance is not significantly more apparent.
5. However, the proposed replacement mast and cabinets would be located within a more open grassed area on the south side of Split Crow Road where it would

be a very prominent feature. Moreover, at 20 metres in height the proposed mast would far exceed the height of the existing mast and would tower above the streetlights, nearby trees, and the roofs of the surrounding residential buildings. Consequently, the existing vertical features in the surrounding area would do little to prevent the mast from appearing overdominant in the street scene. Accordingly, due to the scale of the mast and in its context in relation to the townscape in this location, there would be a significant adverse visual effect, which would be harmful to the character and appearance of the area, notwithstanding it is not a conservation area.

6. Furthermore, there are a number of residential properties which have their front doors and some habitable room windows facing the site at a distance of approximately 19-20m away, namely 67-71 Split Crow Road and 64-67 Deckham Terrace. Although the proposed mast would have a relatively slender profile, its impact would still be of some significance due to its height and proximity. The occupiers of these houses would find the presence of the mast to be quite unavoidable, and it would appear as an intrusive and dominant feature, even taking into account the relatively busy nature of the adjacent road. Given the severity of this impact, I consider that the effect on the living conditions of these neighbouring occupiers could not be regarded as reasonable. As such, I find that the proposal would give rise to significant adverse effects on living conditions for the occupiers of houses close to the site.
7. Thus, whilst not decisive, the proposal also conflicts with Policies CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015), and Policies MSGP17 and MSGP24 of the Making Spaces for Growing Places Local Plan Document for Gateshead (2021), in so far as they require development to be compatible with local townscape character including in terms of scale and height, and to ensure a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings.

#### *Alternative sites*

8. The appellant advises that the existing site is not capable of being upgraded to provide the latest 4G and 5G services, and that the height of the proposed mast is the lowest possible to clear surrounding trees and buildings. Further information submitted with the application shows that several alternative sites were considered, and reasons are given why they were all discounted. No further sites have been suggested by the Council.
9. A number of the sites are clearly too far away or have physical and technical constraints. However, I note that some of the sites were ruled out solely on visual prominence and proximity to residential properties. This is at odds with the selection of the appeal site and it is not sufficiently clear that the appeal site is preferable in these respects. Nor is it known whether a mast of the same height would be required on all these sites.
10. Therefore, I cannot be certain that none of the alternative sites are less harmful locations for the proposal. As such, I am not satisfied that the harm I have identified above should be outweighed by the need for the installation to be sited as proposed.

### **Other Matters**

11. I note the various social and economic benefits that would arise from the proposal. However, those benefits have effectively been recognised by the grant of permission under Article 3(1) of the GPDO. Moreover, the GPDO is clear that the only considerations should be the siting and appearance of the proposal. I have considered the appeal on this basis.
12. Other appeal decisions have been referred to, but they are in different locations and the masts were not as tall as the scheme that is before me, so they have little bearing on the outcome of this appeal.

### **Conclusion**

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

*A Caines*

INSPECTOR