



Appeal Decision

Site visit made on 22 September 2011

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 14 October 2011

Appeal Ref: APP/V2004/A/11/2154903

Adopted grassed central reservation on Anlaby Road, Anlaby Park, HULL, HU4 6AT

- 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 UK Ltd against the decision of Kingston-Upon-Hull City Council.
 - The application Ref 00031531, dated 17 February 2011, was refused by notice dated 11 May 2011.
 - The development proposed is the installation of a radio base station consisting of a 12.5m high dual user replica telephone pole supporting 6 antennas, one equipment cabinet and development ancillary thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a radio base station consisting of a 12.5m high dual user replica telephone pole supporting 6 antennas, one equipment cabinet and development ancillary thereto on an adopted grassed central reservation on Anlaby Road, Anlaby Park, HULL, HU4 6AT in accordance with the terms of the application, Ref 00031531, dated 17 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 pole, cabinet and equipment hereby permitted shall be finished in matt black and thereafter retained in that colour.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 100A, 200B, 300B, 400B & 500B.

Main Issues

3. The main issues are whether the development would have an adverse effect on visual amenity and therefore fail to preserve the character or appearance of a conservation area, and, if it would have such an effect, whether there are positive benefits sufficient to outweigh the consequent harm.
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Reasons

4. This part of Anlaby Road is a dual carriageway which forms the northern boundary of the Anlaby Park Conservation Area. The committee report says that the boundary is the northern edge of the east bound carriageway but the map provided by the Council shows the boundary as the northern edge of the central grassed reservation. In either event there is no doubt that the appeal site, which is within the central reservation, is part of the conservation area.
5. The proposed installation would house equipment for two mobile phone operators. Although only slightly higher than the existing double headed lighting columns the proposed pole housing the antennas would be bulkier. It would also be higher than the telegraph poles it is intended to resemble. Nevertheless its visual impact would depend on the character of the immediately surrounding area.
6. I am not provided with a character appraisal for the Anlaby Park Conservation Area but the committee report describes it as comprising mainly substantial detached and semi-detached residential properties arranged in a suburban park format. My own observations confirm this brief description. I found Anlaby Park a mature well-cared-for residential area, comprising mainly inter-war housing with a pleasing uniformity of style. However, the character of Anlaby Road in the vicinity of the appeal site is not typical of the area as a whole. Apart from it being a busy through route with all the associated street furniture, the properties on its north side opposite the appeal site are commercial buildings in a variety of shapes and sizes some of which have brightly coloured facades. When seen in this visual context, I am satisfied that the pole and equipment, partly shielded by the deciduous trees in the central reservation, would not significantly detract from the character or appearance of the surroundings.
7. To the extent that the proposed pole would be more prominent than the lighting columns or a telephone pole there would be a marginal failure to preserve the appearance of the conservation area, a desirable objective by virtue of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant development plan policies. Even so, I am satisfied that the very limited harm caused is outweighed by the deficiency in radio coverage in the surrounding area, the Government's support for the growth of telecommunications systems, the benefits of mast sharing and the lack of suitable alternative locations.
8. Some interested persons are concerned about health risks. In relation to this issue I am advised by the Government's Planning Policy Guidance 8 which says that, if a proposed mobile phone base station meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure, it should not be necessary for a local planning authority to consider further the health aspects and concerns about them. The evidence before me is that the emissions from the proposed equipment would be within the ICNIRP guidelines and there is no evidence to persuade me that the circumstances of this particular case justify departing from the government guidance.
9. Interested persons also express concerns about highway safety but I am satisfied that, being set in from the carriageway, the installation would not

seriously restrict visibility or otherwise pose a traffic hazard. In this regard I am aware that the Council as Highway Authority do not object to the proposal.

10. In addition to the standard time limit and a condition specifying the approved plans, I have imposed a condition requiring the pole to be finished matt black. The condition, which is suggested by the Council, is justified in the interests of visual amenity.

George Arrowsmith

INSPECTOR