



Appeal Decision

Site visit made on 25 October 2011

by Jessica Graham BA(Hons) PgDipL

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

Decision date: 1 November 2011

Appeal Ref: APP/Q1445/A/11/2157573

Land at Upper Hollingdean Road, Brighton, East Sussex BN1 7GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Vodafone Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/03961, dated 17 December 2010, was refused by notice dated 7 February 2011.
 - The development proposed is the erection of a 12.5m high replica telegraph pole with 3 no. antennas, a radio equipment cabinet adjacent to the pole and development works ancillary thereto.
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Procedural matter

1. In the course of determining the application, the Council noted some errors on the submitted plans. The appellant subsequently provided amended plans. Since the amendments are relatively minor and do not alter the substance of what is proposed, I am satisfied that in taking them into account, I would not prejudice the interests of any concerned parties. For the avoidance of doubt, then, my determination of this appeal is based on the details shown in the drawings numbered 100, 200 Rev A, 300 Rev A, 400, and 500 Rev A.

Decision

2. The appeal is allowed and approval is granted under the provisions of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the siting and appearance of a 12.5m high replica telegraph pole with 3 no. antennas, a radio equipment cabinet adjacent to the pole, and development works ancillary thereto on land at Upper Hollingdean Road, Brighton, East Sussex BN1 7GA in accordance with the terms of the application Ref BH2010/03961, dated 17 December 2010, and the plans submitted with it.

Reasons

3. The proposed mast would be 12.5m high, some 0.34m wide, and would be finished in brown paint to mimic a telegraph pole. It would be sited at the back edge of the stretch of pavement on the eastern side of the emergency access gates to the Hollingbury Depot, along with an equipment cabinet some 1.6m high, 1.8m wide and 0.5m deep, and a small electrical mains pillar cabinet.

4. These equipment cabinets, painted green and set against a 2m high brick and flint wall, would be of a simple and unobtrusive design that would blend in with the urban fabric of the area.
5. I saw at my site visit that there are various other types of street furniture of strongly vertical form nearby, including telegraph poles and street lights. The proposed mast would be taller, and wider in diameter, than these. However, Upper Hollingdean Road slopes steeply upward from east to west. In views from the east the mast would be seen against a backdrop of tall trees, telegraph poles and the Dudeney Lodge tower block, while from the west it would be screened, albeit to a limited extent, by the trees on the southern side of the street. In views from the north along Hollingbury Road, its setting would be the buildings of the Hollingbury Depot.
6. While it may reasonably be argued that any utilitarian structure, such as telecommunications equipment, will detract to some degree from the visual quality of its surroundings, I consider that this proposed installation would not appear isolated or incongruous in the context of the existing street furniture and urban character of this busy road. It would be noticeable, but would not appear unduly dominant, and would not cause any significant harm to the character or appearance of the area.
7. On that basis, I find that the proposed development would meet the objectives of Policies QD2 and QD23 of the Brighton and Hove Local Plan 2005, which aim to ensure that any new telecommunications development takes account of local characteristics, and has no serious adverse effect upon the character and appearance of the area.
8. The Council expressed concern that the proposal would result in an unacceptable reduction in the width of the pavement. I am mindful that this stretch of pavement forms part of a pedestrian route to nearby schools and is also used by the elderly and infirm, and I note that the amended plan submitted by the appellant shows that its width is more accurately measured as 2.4m, rather than the 2.7m originally stated.
9. Nevertheless, the siting of the proposed equipment would only reduce the width of the available pavement to 1.8m, which would still be more than adequate to allow passage for a wheelchair, or (for example) a parent pushing a pram while holding the hand of a child walking alongside. The proposal would therefore satisfy the aims of Policies TR7, QD2 and QD23 of the Local Plan, which seek to ensure that new development does not have an unacceptable impact on the safety or amenity of pedestrians.
10. The appellant provided a certificate confirming that the proposed equipment would comply with the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines. On the basis of the evidence before me, there is nothing unusual about this proposal either technically or in its location in relation to existing buildings, and nothing to outweigh the Government's advice in Planning Policy Guidance Note (PPG) 8 that if telecommunication equipment meets the ICNIRP guidelines for public exposure, it should not be necessary to consider further its impact on health. Thus, while I acknowledge that the health-related fears of local residents are a material consideration, they do not weigh significantly against this proposal.

11. I have had regard to the various other concerns raised by local residents, but find that there are no material considerations sufficient to outweigh my conclusion that the proposed development would accord with the relevant policies of the Local Plan, and with national planning guidance set out in PPG 8. I therefore determine that the appeal should be allowed.

Jessica Graham

INSPECTOR

