



Appeal Decision

Site visit made on 28 February 2012

by L Rodgers BEng (Hons) CEng MICE MBA

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

Decision date: 15 March 2012

Appeal Ref: APP/Q1445/A/11/2160404

Southern Water Reservoir, Islingword Road, Brighton, Sussex BN2 9SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 24 of Schedule 2 of the Town & Country Planning General Permitted Development Order 1995 (as amended).
 - The appeal is made by Telefonica O2 UK Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/01159, dated 14 April 2011, was refused by notice dated 8 June 2011.
 - The development proposed is a 10m monopole telecommunications mast and equipment cabinet.
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Decision

1. I allow the appeal and grant approval 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 10m monopole telecommunications mast and equipment cabinet on land at the Southern Water Reservoir, Islingword Road, Brighton, Sussex BN2 9SJ in accordance with the terms of the application Ref BH2011/01159, dated 14 April 2011, and the plans submitted with it.

Procedural matter

2. Although the description refers to 'equipment cabinet', the drawings show that there would be more than one cabinet. This is confirmed by the Appellant's submissions and is the basis on which the Council made its decision. I shall do likewise.

Main Issues

3. I consider the main issues to be the effect of the proposal on the character and appearance of the area and, in the event that any harm is identified, whether that harm would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

4. The appeal site is within the grounds of Southern Water's Islingword Road Reservoir. The mast itself would sit between some trees and the reservoir pump house and the equipment cabinets would be positioned just inside Southern Water's security fence alongside the reservoir access road. The submitted drawings show the pump house to be approximately half the height

- of the proposed mast; from what I saw on my visit, the nearby trees are of a similar height to the proposed mast.
5. The fairly dense vegetation along the security fencing and the existing buildings to the south and south east would effectively screen the cabinets from public view. Although it is likely that the cabinets would be glimpsed through the reservoir entrance gate, they would have no material effect on the area's character or appearance.
 6. The overall height of the proposed monopole would be some 10m. The mast itself would be some 0.3m in diameter but, as the mast would be shared by O2 and Vodafone, the antennas would be incorporated into a somewhat thicker shroud. This would be around 0.5m in diameter and would be approximately 2.5m tall.
 7. The covered reservoir extends to the north east of the appeal site and appears much like a large grassed field. A large number of residential properties surround the reservoir and concerns have been raised in respect of the mast's visibility from the properties at Luther Street, Luther Mews, Bentham Road, Cobden Road and Whichelo Place.
 8. However, for most of these properties the mast would be a considerable distance away and would be seen against a backdrop which would include mature trees rising to a height of approximately 10m. Although the Council is especially concerned about the mast's prominence from the break in the terraced housing on Cobden Road, the photomontage submitted by the Appellant suggests that the mast is unlikely to be visible from this point. Based on my observations at the site visit, and given the topography of the land and the presence of the pump house and trees it seems to me that little, if any, of the mast would be seen from this point. Even if it was to be seen, it would be from an appreciable distance and I do not consider that it would be conspicuous or give rise to material harm to the area's character and appearance.
 9. It is likely that the mast would be seen from the properties along Beaufort Terrace and, especially for those properties at the upper end of Beaufort Terrace, the mast would be considerably closer than in the views from Cobden Road. In particular, the mast is likely to be obvious from their upper front windows. Notwithstanding the potential benefits of mast sharing, the size of the shroud would make the mast appear quite bulky and intrusive against the skyline. Although the nearby trees would offer some screening, this is unlikely to be completely effective - especially during the winter months.
 10. I understand that the open area to the south west of the appeal site is used by local residents as a recreational area and is known as the 'reservoir green'. The Appellant's photomontage suggests that whilst the mast would be visible from this area, it would be largely screened by trees. However, it is again the case that in the winter the trees would offer only limited cover. The green, and indeed Islingword Road beyond, are well below the level of the site and in the winter the mast would appear as a prominent feature of the skyline.
 11. The mast would also be seen from the rear of the properties on Whichelo Place. However, as these properties are set above the reservoir they would tend to look down on the mast. Given that, in general, they would also be further

away than the properties on Beaufort Terrace I do not see these views as being so harmful.

12. Policy QD23 of the Brighton and Hove Local Plan 2005 (LP) states that proposals for telecommunication developments will only be permitted where, amongst other matters, there will be no serious adverse effect on the character and appearance of the area. Taking account of the background above it is my view that the height and bulk of the monopole, particularly its shroud, would make it appear as an intrusive feature that would harmfully detract from the character and appearance of the area. As such the proposal must conflict with Policy QD23.
13. However, the mast would only appear intrusive from a limited number of perspectives and although described by the Council as a predominantly residential area, the mast would be on land to which the public does not have access. It would also be positioned between a pump house and a fairly utilitarian sub station. Accordingly I consider that the harm likely to be caused by the development, although material, would be limited and localised in nature.
14. The Council has accepted the Appellant's technical justification for the need to improve network coverage in the area and in particular that the proposed installation would result in a much improved 3G coverage for both O2 and Vodafone networks. Although local residents suggest that there is no problem in getting signals for mobile phones in the surrounding area, including indoors, there is little substantive evidence to challenge the Appellant's technical justification of the need to improve coverage. I therefore see no reason to take a different stance to that of the Council.
15. The Council accepts that the Appellant has addressed, and discounted, other potential sites in the area. However the Council notes that, despite the refusal of previous applications in respect of this site, the Appellant has not explored any further options as part of the current proposal. Nevertheless, the Council has not suggested any specific alternatives.
16. According to the Appellant, further searches of the area have been carried out as a result of the Council's refusal of both this and earlier applications. In searching for a site the Appellant has adopted the sequential approach looking first for existing telecommunications sites to assess their suitability for sharing before moving on to rooftops and existing structures and finally ground based structures. The Appellant has set out the alternative sites that were considered and the reasons why they were not pursued. Several technically suitable locations have been discounted, either because, in the Appellant's opinion, they would have a greater harmful impact than the appeal site or because they are unavailable. A number of sites have also been discounted on technical reasons as they would fail to deliver the required coverage. There is no evidence to undermine the Appellant's position on any of these matters.
17. I note the concerns of local residents regarding the health implications of the proposal. However, *Planning Policy Guidance Note 8: Telecommunications (PPG 8)* states that if a proposed installation meets the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure, it should not be necessary to consider further the health aspects and concerns about them. In the present case, the Appellant has confirmed that the proposed installation would be in full compliance with the

ICNIRP guidelines. I have found no overriding reason to set aside Government advice regarding this issue and I do not consider that the concerns of local residents regarding health matters would justify withholding planning permission for the proposal.

18. The need for this installation and the lack of available alternatives weigh in favour of allowing the appeal. The Council has previously refused permission for various alternative telecommunications installations on the site and it is clear that a solution to the problem of network coverage in this area has been sought for some time. Therefore, whilst I accept that this proposal would result in some harm to the character and appearance of the area, and in that respect would conflict with the development plan, to my mind this would be outweighed by the need for the installation and the lack of suitable alternative sites.
19. Local residents have expressed further concerns over the multiple applications put forward by the Appellant, the lack of discussion with residents' groups, the overshadowing effect of the mast, the effect on the nearby Conservation Area and the effect on the Government's localism agenda. However, whilst I have considered all these matters, none would carry sufficient weight to alter the overall balance above. Although concerns have also been raised as to the effect of the proposal on property prices, this is not of itself a planning matter.
20. The Council has suggested that, should the appeal be allowed, a condition be imposed dealing with the removal of the mast. However, such removal is dealt with by other arrangements and a condition to that effect would not be necessary.
21. Having had regard to all other matters put forward, I find nothing to alter my conclusion that, for the reasons above, the appeal should succeed.

Lloyd Rodgers

Inspector