



Appeal Decision

Site visit made on 25 November 2008

by **J O Head** BSc(Econ) DipTP MRTPI

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

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Decision date:
16 December 2008

Appeal Ref: APP/Q1445/A/08/2084529

Pavement (Highways Verge) at the junction of Clifton Hill & Dyke Road, Brighton, East Sussex BN1 3HN

- 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 Orange PCS against the decision of Brighton & Hove City Council.
- The application Ref BH2007/04062, dated 29 October 2007, was refused by notice dated 4 March 2008.
- The development proposed is a 10m telecoms replica telegraph pole with associated cabinet.

Decision

1. **I dismiss the appeal.**

Main issue

2. The proposal involves a replica telegraph pole, an equipment cabinet and an electrical feeder pillar. They would be sited adjacent to the wall fronting the former Royal Alexandra Hospital for Sick Children, within the Montpelier & Clifton Hill Conservation Area. The need for the installation arises from the removal of a base station on the Royal Alexandra Hospital building (in connection with the sale of the site by the Health Authority), resulting in a reduced level of 2G coverage in the locality. The Council does not dispute that there is a need for the installation and I am satisfied, from the information submitted, that a need has been demonstrated.
3. The main issue is the impact of the proposed installation on the street scene and on the character and appearance of the conservation area, and whether any harm caused would be outweighed by the need for the installation.

Reasons

4. The former hospital building occupies a prominent hilltop site at the apex of the junction of Clifton Hill and Dyke Road. The Character Statement for the conservation area describes it as "an important part of Brighton life and a well-known local landmark" and draws attention to the garden space that it provides at the junction with Clifton Hill, which contributes to the character of this part of the conservation area. The hospital site is bounded by a curved wall some 1.6m high, with a fence above, separating it from the wide semi-circular

pavement at the road junction. This pavement area already accommodates a small street tree some 9m high and a 10m high lamp post. Adjacent to the wall are a street name sign and 2 equipment cabinets. These already create some visual clutter and detract to some extent from the setting of the hospital building in the street scene when seen from viewpoints within and outside the conservation area.

5. The proposed replica telegraph pole would be higher than the tree. Although of similar height to the lamp post, it would be of greater diameter and of uniform width, in contrast to the lamp post which tapers to a slender column. In my judgment, the proposed pole would be a much more noticeable addition to the street scene. Because of its exposed location, I consider that it would be readily evident to passers by that the proposed mast was not a "genuine" telegraph pole. It would appear as an incongruous and poorly designed addition to the street scene, detracting from the important view into the conservation area from the south and east and harming the setting of the landmark hospital building. That harm would be increased by the tall equipment cabinet and the feeder pillar, which would add to the clutter of items of street furniture adjacent to the wall.
6. Policy QD23 of the Brighton & Hove Local Plan 2005 sets out a number of criteria to be met if proposals for telecommunications equipment are to be permitted. As well as there being no serious adverse effects on the character or appearance of the area, there must be a demonstration that existing masts, buildings or structures cannot reasonably be used. The appellant has indicated that the original cell served from the Royal Alexandra Hospital is to be split into two, with part being served from a new installation at St Michael and All Angels Church. The appeal proposal is intended to serve the remainder of the former cell. Details have been provided of other nearby sites that have been considered. However, little information has been provided. In particular, there is no information on the attempts that have been made to obtain a response from the owner of the flats at the corner of Buckingham Road, which would appear to be outside the conservation area and therefore not subject to the same restrictive policies as the other sites. The potential to erect a 10m lamp post design column has been identified at the corner of Dyke Road and Clifton Road, to the north of the appeal site but, other than a comment that this would not achieve as much improvement in coverage as the appeal proposal, no details are given of why this site would be unsuitable. The tall modern flats in this location would minimise the visual impact of a new mast. There is also no information on whether the possibility of a rooftop installation here has been explored.
7. I am not convinced, therefore, that it has been properly demonstrated that no opportunities exist in the locality for a more sympathetic siting of the proposed equipment that would allow adequate coverage of the required area to be achieved. Moreover, I note from the letter submitted by the appellant that the removal of the original installation was required in order to facilitate the sale of the site. If the hospital building is retained in any redevelopment scheme it may be possible to reinstate the installation there, or to incorporate an alternative installation inconspicuously elsewhere within the former hospital grounds.

8. Local Plan Policy HE6 reiterates the statutory duty that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. Planning Policy Guidance Note (PPG) 8 *Telecommunications* explains the high priority to be given to protecting areas of high urban quality (such as conservation areas). Paragraph 74 of PPG 8 notes that, in conservation areas, siting and design concerns may centre particularly on the type of mast and its impact. In the case of the appeal proposal, I consider that both the somewhat crude replica telegraph pole design and the prominent siting of the equipment would cause serious harm to the street scene in Dyke Road and Clifton Hill and to the setting of the Royal Alexandra Hospital. The proposal would, therefore, fail to preserve the character or appearance of the conservation area, as required by Policy HE6. For the same reason, and because alternative sites appear not to have been sufficiently explored, there would be conflict with Local Plan Policies QD23 and QD24 and the proposal would not meet the requirements for an exception to Policy QD24.
9. If the appeal were to be allowed, the visual harm from the proposal could continue permanently or at least for a lengthy period of time. I accept that it may take some time to find an alternative site that would have a less harmful environmental impact than the appeal proposal, and that it is possible that the level of improvement may not be as great as would result from the proposed installation. Whilst the need for the installation is not disputed, the present reduced coverage affects a relatively small part of a mainly residential area of Brighton. I consider that the significant harm that the appeal proposal would cause to the street scene and to this prominent part of the conservation area would not be outweighed by the technical need that has been identified for the installation or by the benefits of the earlier improvement in coverage that the implementation of the proposal would allow.
10. Several representations submitted with respect to the planning application raise health concerns. Local Plan Policy QD27 aims to protect amenity, including health, and PPG 8 recognises that health considerations and public concern about them can in principle be material considerations in determining planning applications. However, it is the Government's view that the planning system is not the place for determining health safeguards. It is also the Government's opinion that "if a proposed mobile phone base station meets the International Commission on Non Ionizing Radiation Protection (ICNIRP) guidelines for public exposure it should not be necessary for a local planning authority.... to consider further the health aspects or concerns about them".
11. The appellant has submitted a certificate of full compliance with the ICNIRP guidelines for this appeal proposal. Whilst I appreciate that the perception of a health risk could affect local residents' feelings about their living conditions, there is no evidence before me to indicate that the proposal would have any actual harmful effects on health. Health concerns do not, therefore, provide a sufficiently strong basis to outweigh the available technical advice and current Government policy, and public concern about the health risks arising from the installation of the proposed equipment is not a justifiable reason for dismissing this appeal. However, the prominence of the installation, which I have considered above, would inevitably draw attention to it and would do little to

alleviate the fears that have been expressed, however unfounded they may be in the light of the technical evidence that has been submitted.

John Head

INSPECTOR