



Appeal Decision

Site visit made on 7 April 2011

by Sheila Holden BSc MSc CEng TPP MICE MRTPI FCIHT

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

Decision date: 20 April 2011

Appeal Ref: APP/Q1445/A/11/2144003

Land at the junction of Fox Way and Foredown Road, Portslade, Brighton, East Sussex BN41 2EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to give prior approval under part 24 of the GDPO as amended in respect of permitted development by Telecommunications Code System Operators.
 - The appeal is made by Vodafone Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/03033, made by notification letter dated 22 September 2010, was refused by notice dated 17 November 2010.
 - The development proposed is the removal of the existing 10 metre high monopole mast and its replacement with a new 10 metre high monopole mast supporting 6 no. antennae, an additional radio equipment cabinet and development ancillary thereto.
-

Decision

1. I allow the appeal and grant approval under the provisions of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the siting and appearance of a 10m high monopole mast supporting 6 no. antennae, an additional radio equipment cabinet and development ancillary thereto on the highway verge at the junction of Fox Way and Foredown Road, Portslade in accordance with the terms of the application Ref BH2010/03033, dated 22 September 2010 and as shown on Drawings Nos. 100A, 200B, 300A, 301B, 400C and 500B submitted with the application.

Main issue

2. The main issue is the effect of the proposed mast on the character and appearance of the area.

Reasons

3. The proposed telecommunications mast and cabinet would be sited in a prominent and elevated position on the north side of Fox Way just to the west of its junction with Foredown Way. It would replace an existing mast with 3 antennae. The appellant set out the need for an installation in this area to overcome the deficit in 3G coverage and improve indoor reception in the surrounding residential area.
 4. Fox Way marks the boundary between the urban area of Brighton and Hove and the open, rolling countryside of the South Downs. The Fox Way/Foredown
-

Road junction is on the brow of a hill and the existing mast, two other masts, a number of street lights and two beacons, which mark informal road crossings, can be clearly seen against the backdrop of the sky by anyone approaching up the hill from the east. The existing pole is also highly visible when approaching from the west where it can be seen against a more varied backdrop including the development in Warrior Close just to the east and the more distant urban area of Brighton.

5. In addition to the various masts and street lights the area around this junction is already cluttered by other pieces of street furniture including traffic and direction signs, guard railing, bollards and a pillar box. The junction is also marked by differences in the colour of road surfacing together with hatching and other road markings. These features combine to make this junction less visually attractive than the straight sections of Fox Way, which is characterised by the carriageway and the regularly spaced street lights. I note that the proposal for an additional mast in Fox Way was dismissed on appeal (Ref: APP/Q1445/A/09/2093775) because of its harmful effect on the suburban character and rural backcloth of the street scene.
6. I appreciate that the Council refused the application for the original mast on the appeal site but failed to issue the decision in the required timescale. However, this mast is in position and it is the effect of its replacement that is relevant in this appeal. The body of the new mast would be thicker than the present structure and any of the surrounding lamp columns. Its top section would also be longer and more bulky increasing its visibility and prominence within the street scene. However, these changed dimensions arise from the willingness of the operators to share masts thus avoiding the need for additional structures in the vicinity.
7. In the context of the already cluttered junction at Fox Way/Foredown Road it seems to me that the enlarged dimensions of the proposed mast would not give rise to a significant change to the overall visual appearance of the junction. Furthermore, no objections have been received from local residents or statutory bodies in relation to the proposal.
8. I therefore conclude that the proposed mast would not be harmful to the character and appearance of the area and would comply with saved Policies QD23 and QD24 of the Brighton and Hove Local Plan. These policies support the use of existing masts provided that the visual impact is less than the installation of additional ones and there is no serious adverse effect on the character and appearance of the area. For this reason, and having regard to all other matters raised, I conclude that the appeal should be allowed. No conditions are necessary.

Sheila Holden

INSPECTOR