



Appeal Decision

Site visit made on 25 February 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2020

Appeal Ref: APP/P4605/W/19/3242969

St. George's Court, 1 Albion Street, Birmingham B1 3AA

- 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 EE Ltd and Hutchinson 3G UK Ltd against the decision of Birmingham City Council.
 - The application Ref 2019/06473/PA, dated 29 July 2019, was refused by notice dated 20 September 2019.
 - The development proposed is described as application for prior notification of proposed roof top telecommunications installation upgrade and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There was no application form submitted with the application to the Council. Therefore, I have taken the site address, description of proposed development and date of application from the appeal form.
3. The officer report and refusal notice refer to listed buildings at 102-106 Albion Street. However, the Council has since confirmed that the listing document references the entire block, 97-100 Albion Street. I have therefore determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the siting and appearance of the development including whether the proposals would preserve or enhance the character or appearance of the Jewellery Quarter Conservation Area and the setting of the nearby Grade II Listed Buildings at 12-13 Albion Street and 97-100 Albion Street.

Reasons

5. The appeal site comprises the rooftop of a prominent four storey, post war building that marks the corner of Pope Street with Albion Street; a main thoroughfare through the area.
6. The appeal building is located in the south west industrial fringe of the Jewellery Quarter Conservation Area (JQCA). From the information before me and my own observations, the JQCA derives its significance from the large concentration of buildings linked to the historic manufacture of jewellery and

associated trades. In determining this appeal, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

7. The JQCA Character Appraisal 2002 (the Appraisal) describes the JQCA as being a historical industrial area of international significance, owing its rich layering of building periods and uses to two hundred years of continuing development. The south west industrial fringe has a broad range of building types and periods from 18th and 19th century villas and houses to late 19th and 20th century factories and industrial buildings.
8. Of those buildings identified in the Appraisal are Grade II Listed buildings 12-13 Albion Street and 97-100 Albion Street. Nos 12-13 Albion Street sit on the opposite side of Pope Street from the appeal site. Dating back to 1820, the lower floor was formerly a public house noted for its 5 bay elevation, red brick and stucco and panelled doors with painted glass. It is a stand out building that makes an important contribution to the JQCA.
9. Nos 97-100 Albion Street is a terrace of two storey houses described in the listing as a very rare surviving example of a distinctive type of working-class housing once found throughout Birmingham. Despite internal alterations these properties are deemed to represent superior provision in a rapidly expanding C19 industrial community of national significance. They are, therefore considered valuable in the rich tapestry of buildings that make up this part of the JQCA.
10. Whilst the appeal site, known as the St George's Court, is not a historic building its height and horizontal profile and use of red brick with stone banding are still complementary to the character of the surrounding area. I do not consider that the existing telecommunications equipment constitute sympathetic additions to this building, but nonetheless, the antennas are relatively low in height and slimline in profile whilst the ancillary equipment is set back from the roof edge thus reducing the overall visual impact.
11. The proposal comprises the replacement and upgrade of the existing equipment to facilitate 5G coverage. It would include the installation of three new raised steel pods with 4 antennas on each. The appeal building is wedge shaped and located on a prominent corner within the JQCA. There would be one pod above the principle elevation onto Albion Street and one above the Pope Street elevation. The third would be located towards the back of the building where it joins an adjacent building and as such it would be less conspicuous. The new antennas would be some 5.2 metres above the parapet at more than twice the height of the existing antennas which are currently around 2.4 metres above the parapet.
12. By virtue of their height and proximity to the roof edge, the new antennas would be clearly visible from a number of view points at ground level and would be markedly more obvious than any other existing equipment on the site. The significant increase in height would add a strong vertical emphasis which would be at odds with the horizontal profile of the host building and those adjoining it, thus harming the character and appearance of the area.
13. The additional ancillary equipment including 9 equipment cabinets and 3 dishes would have less visual impact due to their lower height and scale. Similarly, the proposed equipment on the west side of the site would be set in from the outer

- roof edge and consequently views would be more restricted. Nevertheless, the collective bulk and scale of the proposal would contrast awkwardly with the host building and increase the intrusiveness of the rooftop equipment from a number of views.
14. When viewed in the context of the nearby listed buildings, I consider that the proposal, by virtue of its utilitarian appearance, height and bulk would exert a harmful dominance over the simple, detailing of the terrace at 97-100 Albion Street and markedly at odds with the ornate and symmetrical detailing of 12-13 Albion Street. As such the proposal would be detrimental to the historic and architectural significance of the listed buildings.
 15. I appreciate that there are operational reasons for the scale and height of the proposals. Nevertheless, the stark appearance of the equipment and their siting in a prominent location would be visually intrusive and incongruous, thereby causing significant harm to the character and appearance of the host building, to the significance of the setting of the nearby Listed Building, and to the character and appearance of the JQCA.
 16. In the context of paragraph 196 of the National Planning Policy Framework (the Framework) I consider that the harm to the heritage assets would be less than substantial and therefore I must weigh the harm against any public benefits identified.
 17. I have no reason to question that the equipment is necessary to achieve the required standard of next generation network coverage, and I recognise that it would be shared by the Emergency Services Network (ESN). Such improvements would assist residential and business users and represent economic and social benefits to which I attach positive weight.
 18. I further acknowledge Framework supports use of existing telecommunications installations rather than new sites, which the proposal would achieve and that the cell search area is constrained, principally as a consequence of the historic context of the surrounding area., However, paragraph 113 of the Framework requires that telecommunications equipment should be sympathetically designed and camouflaged where appropriate.
 19. I acknowledge the appellant's willingness to colour the equipment as a means of camouflage and their reasoning behind the significant height increase. However, I have not been provided with any substantive evidence detailing why the installation must be sited in such a prominent location, close to the roof edge. Consequently, I am not satisfied that sufficient consideration has been given with regards to minimising the visual impact of the proposals in relation to the host building, the surroundings and the nearby listed buildings.
 20. Having regard to all of the above, the weight that I attach in favour of the proposal would not be sufficient to outweigh the harm that would be caused to the heritage assets as a result of the siting and appearance of the development.
 21. I therefore conclude that the proposal would not preserve the setting of the nearby listed buildings and it would fail to preserve or enhance the character and appearance of the JQCA. As such, the proposal would conflict with Policies PG3 and TP12 of the Birmingham Plan 2031 (2017) which require new

development, to be of a high design quality that responds to local area context and preserves or enhances the historic environment.

Conclusion

22. For the reasons outlined above and taking into account all other matters raised, I conclude the appeal should be dismissed.

J. Hunter

INSPECTOR