



Appeal Decision

Site visit made on 13 May 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2020

Appeal Ref: APP/Z0116/W/19/3242984

SW Whitehall Road (Huawei), Whitehall Road, Whitehall, Bristol, BS5 9BT

- 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 EE Ltd & Hutchinson 3G UK Ltd. against the decision of Bristol City Council.
 - The application Ref: 19/02673/F dated 28 May 2019, was refused by notice dated 21 August 2019.
 - The development proposed is described as 'proposed upgrade to existing telecommunications apparatus, proposed phase 7 monopole C/W wraparound cabinet at base and associated works.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - a nearby tree.

Reasons

Character and appearance

3. The appeal site is located at the junction of Whitehall Road and Chalks Road. It forms part of the footpath to Whitehall Road and a footpath running through a small area of open green space which slopes down towards the junction. The site is within an urban setting characterised by a combination of predominantly two-storey residential and commercial buildings, with an industrial estate beyond the area of green space. The spacious road layout, footpath and green space contribute to the open character of the area.
4. There are several existing telecommunications equipment cabinets and a mast in the form of a monopole located on the footpath through the green space. The proposed development would replace existing equipment on the site including 2 cabinets and the existing mast, indicated to be 11.7m high, and replace it with a new 5G 20m high monopole mast and 6 ground level cabinets.

5. Due the sloping nature of the site, the proposed mast would be set at a lower level than the existing mast. Despite this, the proposed mast would be significantly taller than the mast it would be replacing. It would also be wider. It would be set against a backdrop of trees and street lights. However, due to its significant height, it would be higher and would stand out starkly above the skyline over and above these surrounding features. This would be unlike the existing mast which, due to its lower height and set back position from the main road, is better screened by the surrounding trees and streetlighting.
6. As such the proposed mast positioned on the edge of the green space would appear visually prominent and incongruous with the surrounding development and the streetscene. Its height would make it widely visible from the surrounding area and visually intrusive. Although the proposed mast could be coloured to reduce its visual impact, this would not overcome the harm that would arise from the excessive height of the structure over and above surrounding development.
7. The appellant has sought to position the proposed mast away from residential properties, businesses and sensitive areas. However, the lack of harm to nearby occupiers or sensitive areas does not sufficiently weigh in favour of the proposal to overcome the harm I have identified.
8. I conclude that the proposed development would significantly harm the character and appearance of the area. It would therefore conflict with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (CS) and Policies DM26 and DM36 of the Bristol Local Plan Site Allocations and Development Management Policies 2014 (SADMP) which together require new development to contribute positively to the character of an area and for new telecommunications equipment to not harm visual amenity by reason of its siting and design. I note the Council's decision notice refers to Policy Advice Note 18 on Telecommunications Development. This has not been provided to me. I am therefore unable to assess the proposal against the advice set out therein. The decision notice also refers to The Code of Best Practice on Mobile Network Development in England 2016 but since this is neither policy nor part of the development plan, I have not concluded against it.

Tree

9. There are a number of mature trees within the area of green space which make a positive contribution to the character and appearance of the street scene. The proposed mast and cabinets would be located in close proximity to one of these trees. The Council's arboricultural officer has indicated that the excavation and construction work associated with the installation of this equipment would be likely to damage the root network of this tree.
10. In the absence of an assessment of this tree and how it could be impacted by the proposed development, I cannot be satisfied that the tree would not be harmed. This leads me to conclude that the proposed development would conflict with Policy BCS9 of the CS and Policy DM17 of the SADMP. These policies together seek to protect and retain green assets including trees from development. It would also conflict with the environmental conservation objectives of the National Planning Policy Framework (the Framework).

Other Considerations

11. The Framework advises that high-quality communications infrastructure is essential for economic growth and social well-being, and that the expansion of electronic communications networks, including next generation mobile technology, should be supported. However, the Framework also advises that the use of existing masts, buildings and other structures for new electronic communications capability should be encouraged. Where new sites are required, equipment should be sympathetically designed.
12. The proposed mast would bring improved telecommunications to the area, which the appellant has indicated is lacking in connectivity with poor access to digital services. While I have no firm evidence of local connectivity issues, I accept that the proposal would facilitate 5G coverage, with associated economic and social benefits. It would be shared by 2 operators and may remove the need for future additional telecoms masts in this location. It would also be available to the Emergency Services Network. These are all benefits that weigh in favour of the proposal.
13. However, paragraph 115(c) of the Framework sets out that for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure should be submitted. The Framework does not exclude replacement masts from such an assessment. Consequently, as the proposal is a new, albeit replacement, mast, it is necessary to consider alternative sitings.
14. In this case the appellant states that evidence of the need for this location was submitted when the original mast was approved. However, this scheme is for a replacement new mast (rather than an addition to it) and I have no evidence that existing buildings, masts or other structures have been considered. This would not accord with the Framework which requires necessary evidence to justify the proposed development.
15. I appreciate that the appellant sought to engage with the local planning authority and that there was no response to that consultation. However, this does not diminish the harm I have identified.

Planning Balance and Conclusion

16. The mast would cause significant unacceptable harm to the character and appearance of the area. It could also cause harm to a nearby tree. The scheme would provide economic and social benefits through improved telecommunications and connectivity. However, as I have not been provided with evidence of the limitation of or lack of other available sites, I do not find that the locational needs of the operators outweigh the harm that I have identified.
17. For these reasons, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR