



Appeal Decision

Site visit made on 27 July 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/P4605/W/20/3247333

Junction of Streetly Road & Marsh Hill, Stockland Green, Birmingham B23 7DS

- 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 MBNL (EE Ltd & Hutchinson 3G UK Ltd) against the decision of Birmingham City Council.
 - The application Ref 2019/09101/PA, dated 29 October 2019, was refused by notice dated 30 December 2019.
 - The development is a proposed telecommunications upgrade to include installation of a Phase 7 monopole with wraparound cabinet at base and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site was originally described as Streetly Road DNS, Streetly Road, Upper Witton, Birmingham. The Council utilised a revised description of the location as being at the corner of Streetly Road & Marsh Hill, Stockland Green, Birmingham. It is noted that the Appellant has also adopted this revised description of the sites location, and given the proposal before me, I have also utilised this as this accurately locates the appeal site.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is located within the pavement area on the north side of Marsh Hill at its junction with Streetly Road. To the north of the appeal site is the Village Green public house. The forecourt to the public house is open with an area of paving and a parking area and there is little landscaping in the immediate surroundings to the appeal site.
5. The appeal proposal is for a new telecommunications monopole which would be 20 metres high. There would also be 4 equipment cabinets in addition to the one which wraps around the base of the monopole.
6. As set out by the Appellant, the appeal proposal would replace an existing telecommunications installation which is around 11.7 metres high. Despite the Appellants assertion, the existing installation is well in excess of 50 metres

away from the appeal development and is located within the tree lined central verge on Streetly Road to the north of the appeal site. It is also significant that the trees located within the central verge provide a degree of screening which significantly reduces its impact within the streetscene. In that sense, whilst the appeal proposal may well be located within the same cell site area, it is clearly not located on the same (or similar) site to the existing installation.

7. As I noted at my site visit, the proposed site is located on an exposed corner of a busy road junction with very little landscaping in the vicinity of the site. Indeed, the main structures in this area are the elements of street furniture which are significantly lower in height than the proposed monopole.
8. To my mind, the proposed monopole would clearly stand out in this open area as an overly tall and incongruous feature with no prospect of any realistic screening to soften its impact. This is particularly the case as there is not a nearby building backdrop to the monopole given the open forecourt to the public house.
9. In addition to the above, I have also taken into account the effect of the proposal on the setting of the Village Green public house which I understand to be a locally listed building. As such this is a non-designated heritage asset.
10. Whilst I consider that the installation would not give rise to significant harm to the setting of this building, it would nevertheless have some harm. That said, I consider that this is not a determinative issue in this case. However, it does add some weight to my concerns over the effect of the development on the character and appearance of the area.
11. I have also taken into account the obvious planning benefits associated with the provision of 5G, including emergency service provision, and the overarching guidance within the National Planning Policy Framework (the Framework).
12. The Appellant has stated that there is a need for the monopole to be 20 metres high and that there are no other viable alternative options. However, very little evidence of this has been provided with no details of any other sites considered. As such I can only give this very limited weight.
13. In that sense, I find that there is insufficient justification for the height of the monopole and its siting in an exposed location to the extent that the clear and obvious benefits of better telecommunication provisions do not outweigh the harm to the character and appearance of the area.
14. For the above reasons the proposal would be harmful to the character and appearance of the area and would be contrary to Policy 8.55 of the Birmingham Unitary Development Plan and the Telecommunications Development Mobile Phones Infrastructure Supplementary Planning Document which amongst other matters seek to ensure that telecommunications proposals should be designed to minimise visual impact and intrusion, including that ground based equipment should be sited to take maximum advantage of backdrops to buildings and other screening opportunities. It would also be at odds with the overarching design aims of the Framework.

Other matters

15. I have also had regard to the comments made in the representations including issues such as health matters. However, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidance. Given this, government guidance is clear that decision makers should not set additional health safeguards and as such any concerns in this respect are not a reason to withhold planning permission.
16. In addition to the above, the Appellant has commented that no response was received from the Council following a pre-application submission. Whilst this is regrettable, it is also away from the planning merits of the case.

Conclusion

17. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR