

Appeal Decision

Site Visit made on 1 December 2020

by Mr Martin Allen B.Sc (Hons), M.Sc, M.R.T.P.I

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/Z0116/W/20/3258120

St Clements House, Marsh Street, Bristol, BS1 4BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Arqiva against the decision of Bristol City Council.
 - The application Ref 20/02711/Y, dated 16 June 2020, was refused by notice dated 11 August 2020.
 - The development proposed is alterations to existing base station installation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development above from the covering letter that accompanied the application.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, bearing in mind the sites location within the City and Queen Square Conservation Area.

Reasons

4. The Council's concern essentially stems from the level and accuracy of the information submitted with the application. The Delegated Report refers to inaccuracies within the submitted information, namely two areas outlined in red on the location plan not correlating to the proposed site layout plan, as well as that the antenna plan and the equipment plan, do not fit with the location or site layout plans.
5. Two red outlined areas, on the 1:2500 scale location plan, are incorrectly positioned and do not refer to the areas where the apparatus is shown to be located on the site layout plan. In addition, I am conscious that there appears to be conflicting information with the submitted information in respect of the building on which the apparatus is proposed. The 1:2500 scale location plan identifies a specific building, which is also shown in plan form at Fig.1, within the description of the site and surrounding area in the "Town Planning Statement", submitted in support of the application. Yet, the site layout plan does not appear to correlate with the building identified on this location plan.

6. I am conscious that Part 16, Class A of the General Permitted (England) Order (the GDPO) at A.3 (5a) requires, in terms of details, that the application be accompanied by "a written description of the proposed development and a plan indicating its proposed location..". In this respect, the application includes conflicting information in regard of its location and as such, due to the conflict between the details shown on the location plan and site layout plan, I cannot be satisfied that the information accurately indicates the proposed location of the development.
7. In respect of the antenna and equipment plan, I find that these do correspond to the information as shown on the site layout, however this does not allay my concern that the application fails to accurately identify on which building the equipment would be located.
8. Accordingly, I find that due to the conflicting information that has been submitted, I am unable to assess the effect of the proposal on the character and appearance of the area. As a consequence, I cannot therefore be satisfied that the proposal would accord with policies BCS21 and BCS22 of the Bristol City Council – Core Strategy (2011) or policies DM26, DM31 and DM36 of the Bristol City Council – Site Allocations and Development Management Policies (2014). Together, and amongst other things, these policies seek to ensure development contributes positively to an area's character, that development safeguards heritage assets, that development responds appropriately to heritage assets, that development within a conservation area preserves its special character or appearance and that telecommunication development would not be visually harmful.
9. Furthermore, due to the inconsistencies I cannot satisfactorily assess the effect on the City and Queen Square Conservation Area, and consequently I am unable to determine that the proposal would accord with the duty as contained within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

10. I acknowledge that the appellant outlines that a balancing exercise is required between the effect of the proposal and the benefits which it would bring. However, as I am unable to satisfactorily assess the effect of the apparatus in the first instance, I am also unable to undertake this balancing exercise.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Mr Martin Allen

INSPECTOR