
Appeal Decision

Site visit made on 13 January 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2021

Appeal Ref: APP/P4605/W/20/3260398

Oak Walk, West Heath, Birmingham B31 4BL

- 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, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchinson 3G UK Ltd against the decision of Birmingham City Council.
 - The application Ref 2020/03283/PA, dated 27 April 2020, was refused by notice dated 12 June 2020.
 - The development proposed is a proposed phase 8 monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority and therefore the Secretary of State to assess the proposed development solely on the basis of its siting and appearance taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. In the context of the above, the main issue is the effect of the siting and appearance of the development upon the character and appearance of the area including the setting of the Austin Village Conservation Area.

Reasons

5. It is proposed to erect a twenty metre high telecommunications pole with a wraparound cabinet at its base and three additional cabinets within an area of land which is seen as part of a wider large area of open space and which is surrounded by a terrace of shops, a block of nine storey flats, semi-detached

dwellings on Turves Green and The Woodpecker public house on The Oak Walk. While the flats are multi-storey, these are some distance away from the appeal site and the immediate area is characterised by predominantly two storey properties in a suburban setting and where the open land forms an intrinsic part, in scale with these surrounding buildings. Overall, there is a pleasing sense of openness in the locality offering some welcome relief from the otherwise built up areas. This adds positively and distinctively to the character and appearance of the area.

6. The appeal site is positioned outside of the boundary of the Austin Village Conservation Area (CA) which draws its significance from its regularity of house designs, deliberately planned spaces/crescents and tree lined streets. The appeal development would be visible from the junction of The Oak Walk and Hawkesley Drive which is about 70 metres away and on the edge of the CA. The open space, including the appeal site, provides an essentially soft and verdant edge/vista when viewed from The Oak Walk contributing positively and distinctively to the otherwise more built up area within the CA and hence to the significance of the setting of the CA.
7. Whilst there is a limited amount of street apparatus in the immediate area, including street lights, cabinets and street signs, as well as the inclusion of a number of relatively mature and newly planted trees, in general there is a pleasing sense of order and consistency in terms of the position, width, height and appearance of much of the street apparatus. When passing-by the dominant and distinctive characteristic of the locality is a large expanse of open space with trees both within the highway and on the open space site providing a green and soft buffer between the buildings that surround it. The amount of street apparatus is relatively limited in the area, thereby further emphasising the spacious character and appearance of the area. Given the relative consistency of design and scale of the street apparatus, it does not visually compete with the essentially verdant character and appearance of the locality.
8. In the context of the above, and owing to the position, height, overall width and appearance of the mast, coupled with the inclusion of a cabinet at its base, the proposal would have the effect of significantly departing from the overall sense of space that exists in the area and would be at odds with the mainly two storey scale of development in the immediate locality. Given the aforementioned attributes, the proposed monopole with cabinet at its base would look incongruous in its setting visually competing with the general design consistency and order in the locality.
9. To the passer-by the focus would change from what is seen as a positive verdant and open character to one where the monopole with wraparound cabinet looks significantly out of place, thereby considerably diminishing the experience and views enjoyed by those that occupy the buildings surrounding the site as well as members of the public passing through the area. Whilst I acknowledge that it would be possible to control the colour of the development, this would not overcome my concerns relating to the position, height and overall width of the monopole with wraparound cabinet.
10. In addition to the above, the development would be conspicuous when viewed from the junction of Hawkesley Drive and The Oak Walk which is in the CA. Views out of the CA from this point include trees lining either side of road and there is an overall sense of spaciousness. The existence of trees is repeated in

terms of longer distance and linear views into Moorpark Road. Given the position, height and appearance of the proposed development, it would cause material harm to the aforementioned view out of the CA and hence to the setting of the CA. Indeed, the proposal would depart significantly from the spacious and verdant character afforded to the setting of the CA when viewed from The Oak Walk.

11. In the context of paragraph 196 of the Framework, the development proposal would lead to less than substantial harm to the significance of the CA. Whilst the provision of the telecommunication apparatus would undoubtedly seek to improve mobile phone 5G connectivity in the area, with clear associated economic benefits, these benefits would not outweigh the less than substantial harm caused to the setting of the CA. Furthermore, such benefits would not outweigh the significant harm that would be caused by the proposal to the character and appearance of the area.
12. For the reasons outlined above, I conclude that the proposal would not be acceptable in respect of its siting and appearance. Whilst the proposal would deliver economic benefits, in accordance with paragraph 112 of the Framework, this would not outweigh the harm that would be caused to the character and appearance of the area or to the setting of the CA. From a siting and appearance point of view, the proposal would not accord with the design, conservation and telecommunications requirements of saved policies 8.55 and 8.55 A-C of the Birmingham Unitary Development Plan 2005; the Council's Telecommunications Development: Mobile Phones Infrastructure SPD 2008 and Chapters 12 and 16 of the Framework.

Conclusion

13. I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR