



Appeal Decision

Site visit made on 23 February 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2021

Appeal Ref: APP/P4605/W/20/3261654

Staniforth House, Staniforth Street, Birmingham B4 7DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 MBNL against the decision of Birmingham City Council.
 - The application Ref 2020/05207/PA, dated 30 Jun 2020, was refused by notice dated 28 August 2020.
 - The development proposed is a telecommunications rooftop installation at Staniforth House and associated works. C/L of antennas +46.15m AGL.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal follows a decision by the Council not to grant prior approval for the siting or appearance of a development that would otherwise be permitted under the GPDO. The principle of the development is therefore established, and the scope of this appeal is limited to matters of siting and appearance. Furthermore, 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 (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
3. The Council's second reason for refusal includes reference to Policy TP12 of the Birmingham Development Plan [2017] (BDP) which relates to the historic environment. The Council have since clarified that this reference was made in error and, having considered the proposal and visited the site, I concur with that view. I shall make no further reference to it.

Main Issues

4. The main issues are the effect of the siting and appearance of the development on the appearance of Staniforth House and the character of the area, and whether or not any harm caused is outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites.

Reasons

Character and appearance

5. The site is located in a recently rejuvenated area of mainly new flatted development, including that aimed at providing large scale purpose-built accommodation for students. Staniforth House and a number of other recent high-rise buildings form a cluster that are located close to main routes near to the city centre and bordered by mixed use development of varying ages.
6. The building features a main tower fronting on to Lancaster Street/New Town Row with stepped building elements reducing in height to the Staniforth Street frontage. The building is finished in a variety of high-quality modern materials, with sectioned detailing. The central span has an inset upper floor, roof terrace and lower flanking terraces which add to the building's appearance.
7. The proposals would introduce clusters of antennas, dishes and supporting apparatus above the roof parapet at three corners of the main tower. These would be visible as bolt-on additions to the roof and be readily visible in views to the building from the surrounding areas, including those over long distance across the cityscape. The south-eastern cluster would also be visible from the roof terrace. Additional rooftop elements including cabinets and cabling infrastructure would be largely hidden by the parapet and/or siting at some distance from the roof edge. A proposed handrail would have little visual effect.
8. Whilst there are examples of rooftop equipment in other areas close to the city centre, the rejuvenated locality is one where high specification modern constructions exist alongside renovated traditional buildings. The resultant skyline stemming from the collective strong building forms is notable whether from street level or along the open main routes into and out of this part of the city. The substantial absence of prominent roof additions is a feature of the redeveloped area and contributes positively to it.
9. The presence of the various elements of the equipment overhanging or close to the parapet at the corner locations would detract from the regular geometry, sleek lines and crisp finishing of the building which give it a strong architectural identity. Although the perception of the size of the apparatus would be moderated by the scale of the building within a range of views, its uncompromising utilitarian appearance would appear incongruous and jar significantly with the building's design. The lack of integration or effective camouflaging when taken with the asymmetric positioning and projection above the skyline, would create a prominent form of roof clutter.
10. Whilst I acknowledge that a lower building to the south has various rooftop additions this is in the minority and bordered by higher buildings such that it does not have the same degree of prominence of the appeal building.
11. For the above reasons, I find that the siting and appearance of the proposals would cause significant harm to the architectural qualities of the building. Furthermore, they would undermine a positive characteristic of development in the locality which contributes to the quality of the wider cityscape.

Alternative sites

12. Paragraph 115 of the National Planning Policy Framework (the Framework) requires that applications for electronic communications equipment (including

applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

13. According to the appellant, the requirement for a new location for the equipment arises from a notice to quit an existing site close by which provides local coverage from a temporary ground-based mast. Whilst the appellant has referred me to a number of discounted alternative sites in the vicinity, the level of detailed evidence provided in support of those conclusions is limited. In the absence of substantive information and definitive detail of the search area, I find the requirement in the Framework has not been met. Although I have no reason to dispute their justification and acknowledge the dense urban character restricts some opportunities, I find that there would be minor conflict with the requirement for evidence that alternatives have been duly considered.

Other Matters

14. Paragraph 112 of the Framework sets out the objectives for communications infrastructure. It states that: 'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.'
15. I acknowledge that the proposal would be a shared facility and one which is intended to reflect the preference of building mounted equipment over a new ground-based mast in the street environment. It would meet increased demand and improve connectivity so improving customer value and productivity. The enhanced 5G provision would facilitate smart uses and innovation in an efficient and secure manner, and, be compatible for use by emergency services. It would also facilitate AI uses and provide social benefits through user connection including advantages in relation to jobs, financial security and health. Some environmental benefits may also accrue. These are matters that weigh in favour of the development.
16. The site's position outside of any designated sensitive area and the proposed siting to avoid residential amenity impacts are not benefits in favour of the development.

Planning Balance and Conclusion

17. For the reasons set out above, I find the siting and appearance of the equipment would unacceptably harm the character and appearance of the building and the area in which it is located. In this regard it would conflict with saved paragraphs 8.55 and 8.55A-C of the Birmingham Unitary development Plan [2005] and Policy PG3 of the BDP as they seek to achieve a siting and design of development that is characteristic of the local area and minimise the visual impacts of development. This is consistent with objectives stated in the Framework.
18. Although I am mindful of the benefits that would arise from the proposed telecommunications infrastructure, in the absence of clear evidence demonstrating that the site provides the best available option for minimising

the effect of the development, I conclude that the benefits specified do not outweigh the identified harm arising from the siting and appearance of the proposed development on the character and appearance of the building and its locality.

19. For the above reasons, the appeal should be dismissed.

R Hitchcock

INSPECTOR