



Appeal Decision

Site Visit made on 16 March 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2021

Appeal Ref: APP/Z0116/W/20/3262871

Gill Avenue, Fishponds, Bristol, BS16 2NW

- 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 Hutchison 3G UK Ltd against the decision of Bristol City Council.
 - The application Ref 20/01998/Y, dated 3 May 2020, was refused by notice dated 3 July 2020.
 - The development proposed is Proposed telecommunications installation: Proposed 20m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority 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 Council has referred to a number of development plan policies and the National Planning Policy Framework (Framework) in its decision notice. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the Order do not require regard to be had to the development plan. I have therefore had regard to the policies of the development plan and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the surrounding area.

Reasons

5. The appeal site is located on highways land within a relatively built-up area, containing amongst other aspects numerous residential properties. In addition to various ground-based cabinets, the surrounding area also contains a number of vertical, slim and relatively tall features, including an existing mast, street lights and telegraph poles. However, forming part of an area of open green space, designated by the development plan as Important Open Space, and located opposite the junction with Goffenton Drive and adjacent to the footway and carriageway running along Gill Avenue, the site is situated in an open setting and is

visible across the open space, for some distance along Gill Avenue and in various public views in the wider area. Due to the verdant appearance of the green space and nearby trees and the site's open situation and characteristics, the site positively contributes to its setting.

6. Given the site's open situation, the proposed monopole would be a highly notable addition in the locality. At 20 metres tall, it would also be significantly taller than surrounding buildings and, as shown on the submitted elevation plan, over three times the height of the nearby street light and trees. Despite its slim, vertical nature and the potential for it to be finished in a colour that would blend into its surroundings, it would therefore appear as a substantial, prominent feature that would dwarf everything in its locality and significantly dominate its surroundings. Although the zone of theoretical visibility images show that the main corridors of visibility would not extend over an extensive area, the proposed monopole would nevertheless be a highly visible feature in numerous public views across a relatively large area and it seems to me that it would be a strikingly incongruous and unsympathetic focal point. It would therefore cause significant harm to the character and appearance of the surrounding area. In coming to this view, I have taken into account the site's context, the lack of consultation responses from statutory landscape experts, that views of the proposal for road users would be fleeting, and that it is said that there is no scope to lower the monopole.
7. It has been put to me that the cabinets shown on the submitted proposed plans are permitted development and are therefore not part of the appeal. Be that as it may, the proposed plans include them and it seems to me that they would need to be installed only if the proposed monopole were constructed. Accordingly, they form part of my consideration as to the totality of the effect of the appeal proposal.
8. However, given their relatively limited size and number, and the presence of some other similar structures in the locality, the proposed cabinets would have a limited presence and would not read as unacceptable features. Although the appeal scheme would not therefore result in harmful visual clutter, the monopole's prominent siting and dominating form means that the development would appear as a significantly harmful feature in the locality. The fact that the site is not located within a designated area or identified as sensitive land, is not close to any listed buildings and that the development may remove the need for future telecommunications installations in the area do not lead me to a different conclusion. Accordingly, I find that the siting and appearance of the proposed development would harm the character and appearance of the surrounding area.
9. It has been put to me that the nature of 5G antennas and the separation required from other items of associated equipment is such that the proposed development cannot utilise some existing structures that provide an installation for another operator. However, this does not preclude the possibility of utilising existing buildings or other structures and I am not convinced that less harmful alternatives have been properly explored in this instance. For example, although it is said that the cell search area is extremely constrained, that options are extremely limited and that the only viable solution that minimises amenity issues has been put forward, the Site Specific Supplementary Information accompanying the Prior Approval application sets out that no alternative site options have been investigated. Furthermore, the appellant's suggestion prior to the Council issuing its decision notice of reducing the height of the proposed monopole indicates that there is also the potential to alter the scope and nature of the installation to a less visually dominant and intrusive design.
10. Consequently, the evidence before me does not sufficiently demonstrate that there are no other suitable sites or options and that the site and appeal scheme are the

most appropriate and only viable solution. In coming to this view, I have taken into account that it is said that a shared 5G structure would be considerably more bulky and that the appeal site has been carefully selected on the basis of, amongst other aspects, it being capable of providing the required network coverage, close to tall existing street furniture and physically distant from residential properties to minimise encroaching on residential amenity.

11. Insofar as they are material considerations, the proposal would, for the reasons above, be contrary to the aims of Policies BCS9 and BCS21 of the Bristol Development Framework Core Strategy and Policies DM17, DM26, DM27 and DM36 of the Site Allocations and Development Management Policies Local Plan. Amongst other things, these policies seek to protect the character and appearance of the area, require there to be no suitable alternative sites for telecommunications development available in the locality, and set out that development on Important Open Spaces will not be permitted unless it is ancillary to the open space use. The proposal would also be inconsistent with the provisions in the Framework in relation to achieving well-designed places.

Planning Balance

12. The Framework supports the provision of high quality communication infrastructure. Amongst other things, it identifies that advanced, high quality and reliable communications infrastructure are essential for economic growth and social well-being.
13. Improving network coverage in the Fishponds area, which currently includes a gap in faster 5G telecommunication coverage, the appeal proposal would provide enhanced digital communication and improved connectivity for a multitude of users and local facilities/services in the high density cell search area. It would contribute to the economy and society by supporting, for example, smart infrastructure and services, innovation, efficiency, employment and increased productivity. It would thus assist with, amongst other aspects, the Government's growth strategy and aspirations that the majority of the population have access to 5G mobile coverage.
14. The need for this installation and its associated benefits weigh in favour of the appeal. However, I have found that the siting and appearance of the proposed development would significantly harm the character and appearance of the surrounding area. In weighing up the scheme, I find that the need and benefits do not outweigh the harm I have identified and would not amount, as the appellants suggest, to special circumstances that justify the development. Nor have I been presented with any compelling evidence which indicates that there are no alternative means of providing similar network coverage in the area.

Conclusion

15. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR