
Appeal Decision

Site visit made on 18 March 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/D4635/W/20/3262342

Land at Wood End Road, Wood End Road, Wolverhampton WV11 1JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval.
 - The appeal is made by Cornerstone & Telefonica UK Ltd against the decision of Wolverhampton City Council.
 - The application Ref 20/00331/TEL, dated 26 March 2020, was refused by notice dated 23 July 2020.
 - The development proposed is for the installation of a 20m high column supporting 6 no. antennas, 2 no. 300mm microwave dishes and the installation of 1 no. equipment cabinet.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal relates to a development by or on behalf of an electronic communications code operator for the purpose of the operator's Electronic Communications Network, in accordance with the code as specified under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
3. The main parties dispute whether prior approval for the siting and appearance of the development should be refused, rather than if it is required. Therefore, my decision reflects that context. I also note that the specific terms used in the reason for refusal stated in the Decision Notice in contention refer to character and appearance impacts. I am satisfied this relates to siting and appearance matters as defined in the Order.

Main Issue

4. The effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is part of a segment of attractive greenery fronting the highway which contains a group of trees. It is situated close to a large roundabout and surrounding residential areas. Because of the roundabout and road layout the appeal site location is prominent from public vantage points.
6. The appellant refers me to a range of operational and functional issues informing the design of the proposed telecommunications apparatus. This includes differentiation between more slimline antenna, and the reasoning

alternative proposals have been discounted whilst ensuring planned network coverage can be accommodated.

7. However, the National Planning Policy Framework (the Framework) also advocates that where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate. I acknowledge that the equipment cabinet would be low lying and as a result less noticeable from wider public vantages. Nonetheless, it would still occupy an area of attractive amenity space which is free from built structures. In doing so it would introduce built visual clutter.
8. The telecommunications column would tower above nearby residential buildings and trees. Given the open aspect of the roundabout it would be visually imposing within the street scene from wider public views. The developments overall height, antennae and dishes within its design would result in a noticeable and incongruous feature which would damage the character of the area.
9. I note there are nearby lighting columns in the street, but these are shorter than the telecommunications proposal subject to appeal. The telecommunications column and apparatus combined have a distinctive visual appearance which would not successfully integrate with existing trees, existing lighting columns or other telecommunication apparatus evident in the immediate area. The siting and appearance of the development would be unsympathetic to its surroundings and visually intrusive.
10. I find that the development would result in harm to the character and appearance of the area. It would conflict with Policies ENV3 and Policy CSP4 of the Black Country Core Strategy 2011 which combined seek to encourage high quality design and a positive effect to environmental improvements. It would also conflict with Policies D6, D7, D9 of the Wolverhampton Unitary Development Plan 2001-2011 which seek to ensure that the appearance of new development makes a positive visual contribution to the locality and that the local townscape is respected. As well as Policy EP20 which requires that it is sufficiently demonstrated that no practicable alternative sites in less sensitive locations are available.

Other considerations

11. The appellant makes the case that the development is needed to support 5G network delivery in the area. I appreciate that fit for purpose telecommunication apparatus fulfils a vital role in the economy. Improvements to the telecommunications network would be beneficial to residents as well as aiding business and commerce, in line with the local strategies referred to within the evidence. I acknowledge those are important benefits which are reflected in the Framework and carry significant weight in my overall decision.
12. Whilst other appeal decisions are referenced, they involve different sites, with different characteristics. Therefore, I give little weight to those. Moreover, I appreciate that preapplication advice with the Council has taken place but that does not bind my assessment in identifying any harm.

Planning Balance and Conclusion

13. The development would no doubt aid with advancing telecommunications network coverage provision in the local area. I also accept that it is a difficult

balancing act in ensuring the proposed telecommunications development would fulfil its functional and operational requirements as well as being visually compatible with its surroundings.

14. Nevertheless, I am unconvinced that a more optimal environmental solution, could not be found to accommodate the appellant's operational needs. The proposed development would lead to demonstrable visual harm in a prominent location. I do not find that the advantages of allowing the appeal scheme would outweigh the harm identified.

15. For the reasons given above the appeal does not succeed.

M Shrigley

INSPECTOR