



Appeal Decision

Site Visit made on 27 April 2021

by Mr Stuart Willis MSc, BA (Hons), PGCE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/Z0116/W/21/3267760

Greystoke Avenue, Repton Grange, Southmead, Bristol BS10 5NZ

- 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 Hutchison 3G UK Ltd against the decision of Bristol City Council.
 - The application Ref 20/05641/Y, dated 18 November 2020, was refused by notice dated 15 January 2021.
 - The development proposed is telecommunications installation: Proposed 15m Phase 8 monopole, C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and prior approval granted under the provisions of Schedule 2, Part 16, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for telecommunications installation: Proposed 15m Phase 8 monopole, C/W wrapround cabinet at base and associated ancillary works at Greystoke Avenue, Repton Grange, Southmead, Bristol BS10 5NZ, in accordance with the application Ref 20/05641/Y, dated 18 November 2020, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 16, Class A of the GPDO.

Preliminary Matters

2. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of it do not require regard to be had to the development plan. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
3. It has been put to me that the proposed cabinets do not require prior approval. Nevertheless, they are shown on the submitted plans and included in the description of development. Therefore, I have considered them as part of the appeal scheme.

Main Issues

4. The main issues of the appeal are the effect of the proposed development on;
 - The character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular regard to outlook.

Reasons

Character and Appearance

5. The proposed development would be located towards the back of a wide footway at the side of the road. The wide carriageway and car park adjacent to the site creates considerable separation between the nearest buildings and the proposed development. The commercial buildings beyond the car park are themselves of varying height. While there are greener areas beyond, the area by the commercial buildings and junction is distinctly of a more functional utilitarian appearance.
6. The pole would be taller than the existing features in the streetscene. However, it would be seen with the numerous existing vertical structures both sides of the road including street lighting of various heights that currently occupy the space between buildings either side of the road. These features are set back different distances from the carriageway. Such features are therefore not uncommon, and the proposed pole would be located amongst these.
7. Although the pole would be thicker towards the top, it would not be considerably so. Furthermore, there is a variety in the appearance of the vertical structures nearby and it would have a relatively slender overall appearance.
8. The cabinets would give rise to some additional clutter. Nonetheless, there are existing ground level features close to the site such as a bus stop, bins and recycling facilities. In long range views, the street trees beyond the car park and hedgerow alongside the footway would aid in screening the scheme, in particular the low-level equipment. The gently sloping land along the road towards the site would also reduce the prominence of the pole in longer range views. From the nearest buildings the proposal would be viewed with existing features in the foreground.
9. The pole and associated equipment would be noticeable. Notwithstanding this, they would not be alien features or obtrusive. The proposed development would largely assimilate into what is a context of considerable functional infrastructure in the streetscene.
10. The development would be acceptable in the proposed location and there is no requirement in the GPDO for developers to select the best feasible siting.
11. Therefore, for the reasons set out above, due to its siting and appearance the proposed development would not have a harmful effect upon the character and appearance of the area. Therefore, insofar as they are a material consideration, the scheme would accord with the design aims of Policies BCS21 of the Bristol Core Strategy (Core Strategy), Policies DM26 and DM36 of the Site Allocations and Development Management (Allocations Plan) and the National Planning Policy Framework (Framework).

Living Conditions

12. There are a number of properties that would have views of the appeal scheme and the mast would be taller than any features in the street. However, the proposal is across the road from the nearest dwellings where views of it would be in the context of the other existing vertical features nearby. The presence of a tall feature is therefore not unexpected or incongruous. Therefore, while

prominent in the streetscene, from existing properties the scheme would not be overbearing.

13. The cabinets, although at eye level, would form part of the streetscene where there are already street furniture and ancillary apparatus. Nearby vegetation and street furniture would screen them, at least in part, in some views. Properties would have an outlook away from the proposed development.
14. Therefore, due to its siting and appearance, the proposed development would not have a harmful effect on the living conditions of the occupiers of nearby properties with regard to outlook and so, insofar as they are a material consideration, not be contrary to the amenity aims of Policies DM26 and DM36 of the Allocations Plan and BSC21 of the Core Strategy.

Other Matters

15. Concerns have been raised about potential and perceived effects on health. Nevertheless, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework (Paragraph 116) advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy in this regard would be justified.
16. Evidence has been provided to demonstrate the need for the proposal to meet coverage needs. There has been no compelling information to indicate that the scheme would result in harm to flora or fauna in the area, cause significant energy usage or that the scheme would prejudice any future regeneration schemes.
17. My attention has been drawn to an appeal decision at Whitehall Road¹. However, that scheme sought planning permission for a taller, replacement pole at the edge of a greenspace. This is materially different to the scheme before me.

Conditions

18. The requirement for the development to be carried out in accordance with the submitted details and commencement of the development are set out in Part 16, Class A, A.2 and A.3 of the GPDO and therefore separate conditions are not necessary. This is also the case for the removal of the structure/apparatus when it is no longer required for electronic telecommunications purposes.

Conclusion

19. I conclude that the appeal should be allowed.

Stuart Willis

INSPECTOR

¹ APP/Z0116/W/19/3242984