



Appeal Decision

Site visit made on 10 June 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 2 July 2021

Appeal Ref: APP/Z0116/W/21/3270704

Land in front of Stockwood Precinct, Stockwood Road, Stockwood, Bristol, BS14 8PG

- 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 Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by MBNL for and on behalf of Hutchison 3G Ltd against the decision of Bristol City Council.
 - The application Ref 20/03389/Y, dated 3 July 2020, was refused by notice dated 22 September 2020.
 - The development proposed is the installation of a new 20.0m column supporting 6 no. antennas, together with ground-based equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant submitted 'Revision D' drawings to replace the 'Revision C' series as part of the appeal. The amendments comprise minor clarifications, including the addition of existing trees and the distance to bike stands and, for this reason, I do not consider that anyone would be prejudiced by my acceptance of the revised drawings and I have determined the appeal on the basis of the 'Revisions D' drawings.

Main issue

3. 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') require that the decision maker assesses the proposed development solely on the basis of its siting and appearance.
4. The main issue is therefore the effect of the siting and appearance of the development on the character and appearance of the area.

Reasons

5. The appeal site is part of a wide, paved area that runs along the outside of a pedestrianised plaza, from which it is separated by a low wall. There is an existing 11.7 metre high mast and cabinets a short distance from the proposed location that would be retained for a temporary period following installation of

the new one. Two sides of the plaza are surrounded by shops, with office and residential accommodation on the floor above. The plaza was well used by pedestrians during my visit to the area and I observed people sitting on benches adjacent to the site and outside a nearby café. The two open sides of the plaza are overlooked by housing and the Maple Close Amenity Area, which is an area of Important Open Space. The latter comprises an area of grass crossed by a footpath, which affords views towards the appeal site. Overall, the area has a sense of openness that provides relief from the surrounding built up areas and the pleasant vitality of a community space.

6. The new mast would be approximately 20 metres high and wider than that existing. It would protrude to a significant extent above the trees, which are of similar height to the existing mast. It would also be considerably higher than the surrounding shops and residential buildings. This would introduce a new structure above the precinct that would be widely visible from the public domain and the surrounding residential properties. I consider that due to the incongruous and dominant height of the mast, the focus of a passer-by is likely to be moved from a shopping precinct fronted by trees to the dominant monopole above. I conclude that there would be a significant, negative visual impact and that the appearance of the area would be harmed by the development.
7. Given the large scale of the mast, and mindful that the 6 antennas would not be hidden behind a shroud, it would appear utilitarian and industrial in character when compared to the small scale, community shopping precinct. In respect of its effect on character it would therefore be incongruous with the recreational plaza, surrounding residential housing and dedicated amenity area. For these reasons, I conclude that the appearance of the mast would harm the character of the area.
8. The trees around the plaza would provide a degree of screening around the lower section of the mast. However, and notwithstanding that the proposal is considerably higher than the trees, I am mindful that they are few in number and the foreseeable loss of just one would significantly reduce the screening. In addition, the trees appeared to be deciduous and leaf cover would therefore be less in the winter. Although the trees would reduce the harm to the appearance of the area from the mast, for the reasons above, I attribute this limited weight.
9. There are numerous vertical elements locally, including telegraph poles, trees and lampposts. These would help assimilate the proposed mast at a lower level but would not soften the harm to the appearance of the area when viewed from a distance from a significant length of mast emerging above the trees and precinct buildings.
10. The existing mast shares the lower paved area with a bike rack, salt bin and approximately 5 metal cabinets, which are all lined up against the wall. The surrounding trees largely screen this ground level infrastructure from wider views. It is proposed to build 3 new cabinets, one of which at 1.8 metres tall would be considerably higher and bulkier than any of the others. This would be placed approximately 2.5 metres from the low retaining wall. In addition, the wraparound cabinet and mast are away from, and perpendicular to, the wall. This arrangement would be noticeably out of line compared to the prevailing

layout and would harmfully add to a sense that the area is cluttered with cabinets and bins, albeit this would only be visible when nearby.

11. The exposed arrangement of the cabinets and mast would also lead to some obstruction of the paved area, although I appreciate that the pavement is wide and that bike racks already cross the area. Overall, I do not consider that the obstruction would cause a significant risk to highway or pedestrian safety. However, as this is a public space and thoroughfare, any obstruction of the circulation of pedestrians is not desirable, albeit the harm in this case is small.
12. The appellant has drawn my attention to the fact that the cabinets are permitted under Part 16, Class A of the GPDO without the need to consider siting and appearance because they are individually less than 2.5 m³ in volume. Given that the purpose of this condition is to prevent larger structures being inappropriately sited, I consider it reasonable that the volume of touching cabinets is combined. When the new, large Bowler and adjacent Huawei equipment cabinets are combined, the total volume would exceed this limit based on the drawings provided. For this reason, I consider it appropriate that the effect of the cabinets on appearance and siting is assessed, and for the reasons above, I have found harm from the siting.
13. My attention has been drawn to the proliferation of street furniture locally. This established character and appearance may, to some extent, mask additions of a similar scale, which does not apply here given the larger scale of the proposals. In addition, I do not consider that adding to an already cluttered streetscape is desirable.
14. My attention has also been drawn to the justification for the monopole outside the nearby library¹ and subsequent extension of this to 14.8 metres height², which assessed the proposals in the context of existing street furniture, lighting and busy stretch of road. Notwithstanding that this was some time ago, I agree that the mast outside the library does not benefit from any screening and is more exposed. However, it is located immediately adjacent to a high wall and, in being on the approach to the precinct, the location is of different character to being within a pedestrianised area, central to the shops and amenity space.
15. I have had regard to Policy BCS21 of the Bristol Core Strategy (2011) in so far as it is a material consideration relevant to matters of siting and appearance. This policy requires that development should contribute positively to an area's character and identity, and promote accessibility and permeability by creating places that connect with each other and are easy to move through. For the reasons above, the proposal would not meet either of these aspirations.

Alternative sites

16. Although I am content that existing masts would not easily provide suitable alternative sites based on the information provided, I have been unable to conclude that antennas could not be placed on nearby buildings and structures. The appellant states that, due to the height and proximity of existing buildings around the reviewed sites, the mast would need to be substantially taller if placed on roofs, but no further information is provided on which to base an assessment of the effect on appearance from this. Similarly, it is suggested that equipment on roofs would appear prominent, but I have no evidence of

¹ 04/04614/Y (January 2005)

² 09/04341/Y (December 2009)

this before me and I consider it possible that equipment centrally placed on a large roof, such as that of the precinct, could be less visible from the public domain than one in the pedestrianised area. In any event, I have determined the appeal on its individual planning merits.

17. Several roofs have been discounted because the building is described as too low, but it is unclear from the information provided why a mast could not be placed on the roof to the required height. I appreciate that the wind loading could make an installation unsafe, but I am unclear how this differs from a mast of similar height on the ground, and regardless, no evidence to substantiate the risk from this is provided. It is also stated that '*it is unlikely the buildings would be able to support the weight of the equipment*', but no further evidence of this is provided. I appreciate that it is easier to place a mast and equipment on a flat roof, but evidence has also not been provided that it is not possible to use a sloping roof to the extent that they should be disregarded.
18. The search area recommended by the radio engineers is not specified. This means that I am not in a position to fully review the appellant's conclusion that no alternative sites are available. In particular this means that I am unable to confirm that other locations, such as those alongside the highway or away from residential areas, have been fully considered.
19. I understand that the cabinets and mast would be placed away from the wall because of the need to retain the existing mast for a temporary period. However, I have no information before me to explain why other, less exposed, locations along the wall could not be used.

Other matters

20. Concerns have been raised by interested parties regarding the potential effects of the installation on health. However, 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 National Planning Policy Framework (2019) (the 'Framework') 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 would be justified.
21. Questions have also been raised regarding the extent of public consultation of the application. The Council has provided information to demonstrate that the development was advertised in line with the regulations and I therefore am satisfied that the level of consultation was appropriate.

Planning balance and conclusion

22. The Framework and local policies advise that high quality communications infrastructure is essential for economic growth and social well-being, and that expansion of networks, including next generation mobile technology, should be supported. I do not doubt from the information provided that there is a need for such infrastructure locally. There would be public benefit from the development and I therefore afford this matter positive weight in the overall planning balance. It is also to the scheme's benefit that the infrastructure

would be shared between operators, reducing the number of masts required, and it would be available to the Emergency Services Network.

23. However, the GPDO requires that appearance and siting are taken into account. In this case, I have found that there would be substantial harm to the appearance of the shopping precinct and surrounding residential area from the incongruent height and appearance of the mast, with minor harm from some obstruction across the pedestrianised area and general contribution to street clutter. In light of this, I consider it critical that insufficient evidence has been provided to demonstrate that there are no viable alternative locations to the appeal site.
24. I have had regard to the other appeal decisions brought to my attention by the appellant, in which harm to appearance was outweighed by the public benefits of the schemes. However, in this case I conclude that the benefits do not outweigh substantial harm to the appearance of the area and there is a lack of clear evidence that alternative locations are unavailable. Consequently, the appeal is dismissed.

B Davies

INSPECTOR