



Appeal Decision

Site Visit made on 4 August 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2021

Appeal Ref: APP/P4605/W/21/3274540

Land At The Junction Of Sheddington Road And Chipstead Road, Erdington, Birmingham B23 2EE

- 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 GPDO).
 - The appeal is made by Hutchison 3G UK Ltd against the decision of Birmingham City Council.
 - The application Ref 2021/00987/PA, dated 5 February 2021, was refused by notice dated 31 March 2021.
 - The development proposed is the installation of a 15 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within certain limits, Class A of Part 16 of Schedule 2 of the GPDO grants permission for the development of telecommunications equipment subject to a prior approval procedure. The GPDO states that the relevant issues when assessing applications of this type are the siting and appearance of the proposed development. There is no requirement to determine such applications in accordance with the development plan or the National Planning Policy Framework (the Framework). I have had regard to these documents only in so far as they are relevant to matters of siting and appearance.
3. The Framework was revised in July 2021, after the appeal was lodged. As part of the appeal process, I have invited comments from the main parties on the revised Framework but none have been received.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposal on (i) the character and appearance of the area, and (ii) the living conditions of occupiers of nearby residences in respect of outlook.

Reasons

Character and appearance

5. Sheddington Road is straight with wide grass verges on both sides so that the houses are set well back from the carriageway. Chipstead Road is narrower with smaller verges and it has roadside trees.

6. The proposed monopole would be tall and as the highway is straight, wide and generally open it would be seen along the whole length of Sheddington Road. The roadside trees would partially conceal the column from Chipstead Road and would provide a back drop in other views. However, along significant parts of Sheddington Road, the upper part of the monopole would be seen against the sky. As such, it would be in a prominent, exposed location and would noticeably protrude above the skyline.
7. The monopole would not be the only vertical structure in the street as lamp posts and telegraph poles lie on both sides of Sheddington Road. However, there is no other telecommunications monopole or similar equipment near to the site. It would be markedly taller than existing posts and poles and would be noticeably different in appearance with antennas and dishes at the top. I acknowledge that the design of the monopole is influenced by technological requirements but nevertheless by reasons of its height and appearance, it would be incongruous. Using a grey finish to match the colour of the lamp posts would not fully address this incongruity.
8. The proposed cabinets would be low key features and similar in appearance to an existing installation on the opposite side of the road. As such, they would be in keeping with the area. However, acceptability in these regards does not address or override the prominence and incompatibility of the monopole.
9. For these reasons, I conclude the siting and appearance of the proposal would harm the character and appearance of the area. In these regards, and as far as it is determinative on the matter, it would be contrary to policy 8.55 of the Birmingham Unitary Development Plan 2005 (UDP). Amongst other things, this looks to minimise the visual impact of telecommunications equipment.

Living conditions

10. The monopole would be seen from the windows in houses on both sides of Sheddington Road and would rise above nearby properties. However, it would not be bulky and would be a sufficient distance away from these dwellings so as to avoid any overbearing effect.
11. As such, I conclude the siting and appearance of the proposal would not harm the living conditions of the occupiers of nearby residences in respect of outlook. In this regard, it would accord with UDP policy 8.55 and its aim to minimise the impact of telecommunications equipment on the amenity of properties.

Other Matters and Conclusion

12. The development would be off the pavement and so it would not obstruct pedestrians. Also, it would be away from any school or other sensitive location as identified in the UDP policy 8.55. The submissions show the installation would cause no public health issue. Acceptability in these regards is a neutral factor in my assessment.
13. The Framework states that for a new mast, evidence should be provided that shows the possibility of erecting antennas on an existing building, mast or structure has been explored. The appellants' submissions refer to other sites that have been considered but discounted for various reasons.
14. One of the alternatives is the flat roof of Oscott Social Club building on Witton Lodge Road. The appellant identifies this as a potentially suitable rooftop site

- but it is ruled out as it is north of the preferred site location and would not provide the required level of coverage to the target area.
15. However, the submissions fail to explain how the preferred location has been established and the Social Club site appears to be roughly central to the area of signal deficiency as shown on the appellant's coverage map. Also, there is no information before me that compares the signal coverage of the proposal to that which would be achievable from equipment at the Social Club. There is no evidence to demonstrate the Social Club building would be unsuitable to accommodate telecommunications equipment or that it is unavailable to the appellant. As such, I consider the possibility of providing antennas on the Social Club has not been properly explored. Therefore, I am unconvinced the appeal scheme would be the only viable solution to ensure an appropriate service for the area.
 16. The appellant refers to other appeal decisions where proposals for telecommunications equipment have been allowed, despite harm being identified. These decisions relate to sites elsewhere and to proposals which have particular and different effects to those identified in respect of this scheme. As such, I am not bound to follow these decisions in my assessment of the current proposal.
 17. Nonetheless, there is no dispute the development would provide enhanced signal coverage in an area where there is an identified deficiency. The Framework indicates that planning decisions should support the expansion of electronic communications networks. I give positive weight to the benefits of the scheme in terms of the improved service to all of its users.
 18. However, the harm caused in respect of the first main issue is significant. The acceptability of the proposal in terms of the second main issue, the benefits of the scheme and other considerations do not outweigh the identified harm. As such, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR