



Appeal Decision

Site visit made on 20 July 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/P4605/W/21/3271283

89059 - Adopted Highway on Quinton Road, Bournbrook, Birmingham B17 0PY

- 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 Telefonica UK Ltd against the decision of Birmingham City Council.
 - The application Ref 2020/09260/PA, dated 19 November 2020, was refused by notice dated 7 January 2021.
 - The development proposed is a 20m height column supporting 6no. antennas, 2no. 0.3mm microwave dishes and the installation of 1no. equipment cabinet.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the updated National Planning Policy Framework (July 2021) (the Framework) was published. Parties were provided with an opportunity to comment on the relevance of this, and I have taken any subsequent comments received into account in my consideration of this appeal.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 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.
4. The Framework supports high quality communications infrastructure and requires that local planning authorities must determine applications on planning grounds only. In accordance with the provisions of Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and subject to any relevant exception, limitation or condition specified therein, development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network is permitted development. Therefore, matters such as the need for the development are not at issue in this appeal.

5. While the appellant disputes the consistency of the relevant development plan policies and supplementary guidance with the Framework, the provisions of the GPDO do not require regard to be had to the development plan. Accordingly, I have had regard to these policies and related supplementary guidance only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposal upon the character and appearance of the area and whether any harm caused is outweighed by the need to site the installation in the proposed location.

Reasons

7. The proposal would be located on a grass verge off Quinton Road, adjacent a bus stop and public footpath. The area is predominantly residential, comprised primarily of two-storey buildings. The houses along Quinton Road are set well back from the highway and the area has an open, spacious and verdant character, with trees and wide grass verges contributing positively to the character of the area. An existing mast is located on a footpath outside of the Copper Fox public house. The proposal includes a telecommunications mast of 20m height with 6no antennas and 2no microwave dishes attached with an equipment cabinet.
8. The height of the mast would be twice that of the streetlights along the road and taller than the existing mast nearby. While I appreciate the proposed mast must be taller than other objects in the vicinity in order to 'see' over obstructions, the large size and utilitarian appearance of the proposed equipment would appear out of scale and overly prominent within its immediate residential setting. This is regardless of whether the appeal site is located within a designated landscape. This would be compounded by long range views along Quinton Road, which is relatively straight between the A4040 and Northfield Road. The trees on the verge would offer some screening and natural backdrop but not to sufficiently reduce the visual impact of the mast given its size.
9. The appellant has outlined alternative sites that were considered but discounted for a variety of reasons. While I have some background on these sites, there is little substantive information in this regard. This is especially pertinent as to whether alternative locations would be as prominent or whether evidence of landowners of disregarded locations refused to allow the mast to be located on their land. The Framework states that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. In this case, such evidence is lacking as it pertains to alternative sites.
10. I therefore conclude that the siting and appearance of the development would have a harmful visual effect on the character and appearance of the local area. Insofar as they are material considerations, I have also had regard to saved paragraphs 8.55 and 8.55 A-C of the Birmingham Plan Unitary Development Plan (adopted October 2005) (the UDP). These paragraphs advise where applications are submitted within residential areas, the City Council will require them to be accompanied by evidence confirming that no reasonable

alternatives exist. In all cases, equipment should be designed to minimise its impact on the visual amenity of the area.

Other Considerations

11. I have found that the siting and appearance of the proposal would harm the character and appearance of the local area causing substantial visual harm to the streetscene at this particular location.
12. Nevertheless, paragraph 114 of the Framework also recognises advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.
13. Even if I were to accept the appellant's claim that there are no other suitable sites in the area, I am not satisfied that appropriate consideration has been given to minimising the visual impact of the installation in relation to the local area. Therefore, although I have had due regard to Government aims to facilitate the growth of digital infrastructure, it also advises equipment should be sympathetically designed and camouflaged where appropriate.
14. There is clear need for, and importance of, the rollout of the 5G network. The proposed new infrastructure would provide coverage for local people. The proposed monopole is said by the appellant to be the minimum height and width possible to accommodate multiple-generation technologies, which cannot be placed on the existing mast nearby due to transmission issues. Given the ongoing pandemic the need for suitable telecommunications infrastructure to accommodate home working has become very apparent in many people's lives and this carries some weight in favour of the proposal.
15. I acknowledge that telecommunications equipment is now a common feature of the built environment. However, the evolution of the surrounding environment over time does not justify any and all development, and an appropriate balance must be struck.
16. I have had regard to the appellant's statement of case including comments that the proposal would not have an adverse effect on the living conditions of neighbouring occupiers, highway safety or designated heritage assets, such as the Harborne Old Village Conservation Area. These matters are not in dispute and in any case a lack of harm would be neutral in the decision-making process rather than weighing in favour of the proposal.
17. The appellants have referred me to various allowed appeal decisions, although only one of these is within the Birmingham City Council area. The Inspector in that case determined there would be harm to the character and appearance of the area but that the benefits would ultimately outweigh this harm. This was their judgement, but it is incumbent on me to form my own view. Moreover, from the photograph it appears the area is of materially different character given its more tightly knit pattern of development while the existing mast in that location was to be removed. From my observations of the other photographs submitted, none appear to have sufficiently similar circumstances in terms of their development form or character to alter my view of the

proposal before me. In any event, I must consider this appeal proposal on its own individual merits.

Conclusion

18. Having regard to all of the above, the weight that I attach to the other considerations in favour of the proposal would, whilst important, not be sufficient in this case to outweigh the harm that would be caused to the character and appearance of the area. Particularly in regard to the design, siting and context of the proposed development and evidence pertaining to the consideration of alternative sites.
19. The proposal would therefore, for the reasons set out above, be contrary to the relevant identified policies of the development plan and the Framework. I therefore conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR