



Appeal Decision

Site Visit made on 12 October 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021

Appeal Ref: APP/U1620/W/21/3278219

Hucclecote Road, Gloucester, GL3 3TH

- 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) (GPDO).
 - The appeal is made by Mr Will Osbourne of MBNL (EE (UK) Ltd and H3G (UK) Ltd) against the decision of Gloucester City Council.
 - The application Ref 21/00193/FUL, dated 16 February 2021, was refused by notice dated 16 April 2021.
 - The development proposed is installation of 17.5m tall monopole, electronic communications tower supporting 6no. antenna and 2no. dishes with associated ground-level equipment on Hucclecote Road (near junction with Chosen Way).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. While different to the decision notice, no confirmation that a change was agreed has been provided and it correctly identifies the size of the proposed monopole.
3. 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, and Emerging Plan¹, only in so far as they are a material consideration relevant to matters of siting and appearance.
4. Although the Emerging Plan is yet to be adopted, as the policy relevant to this appeal is broadly consistent with the National Planning Policy Framework (Framework) it carries moderate weight.

Main Issues

5. The main issues of the appeal are:
 - whether the proposal would be permitted development under Schedule 2, Part 16, Class A of the GPDO; and if so
 - the effect of the proposal on the character and appearance of the area.

¹ Pre-Submission Gloucester City Plan 2011 - 2031

Reasons

Whether Permitted Development

6. Paragraph A.1.(1)(c) of Part 16 of the GPDO states that to be permitted development, in the case of the installation of a mast, the mast, excluding any antenna, shall not exceed a height of 20 metres above ground level on article 2(3) land or land which is on a highway. The description of development and plans indicate that the proposed mast would be below this height.
7. The Council have not indicated that the scheme is contrary to any of the other relevant criteria of paragraph A.1 and from the information before me I have reached the same finding.
8. Therefore, the proposal would be permitted development under Schedule 2, Part 16, Class A of the GPDO.

Character and Appearance

9. Many of the buildings along Hucclecote Road are set back and there is a wide footway near the appeal site. These factors, along with the relatively flat straight road gives an openness to the streetscene that contributes positively to the character and appearance of the area. The low-level boundary treatment around the car park adjacent to the site and lack of built form means this corner location is particularly open and visible from the surrounding streets.
10. There are existing vertical features such as street lighting within and close to the footway along Hucclecote Road. Nevertheless, while the appearance of, and uses within the street varies, there is a general consistency to the height of these features and the nearby built form.
11. In contrast, the proposed mast would be discordant with this being significantly taller than the vertical features in the streetscene and would tower above them. While the antenna would be close to the mast, the proposed mast would also be thicker than them. As a result, while it is stated that this height is required for coverage, site sharing and to meet ICNIRP requirements, it would be a very prominent and bulky feature that would be highly visible in the townscape.
12. There are trees in the car park adjacent to the site. However, given the height and position of these, they would do little to screen the mast in many views. The mast would be very prominent from not only close- and longer-range views along this relatively straight section of Hucclecote Road and its properties, but also from Chosen Way over the car park.
13. Conditioning the colour of the mast would not overcome my concerns. In any event, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators.
14. Therefore, for the reasons set out above, due to its siting and appearance the proposed development would have a significant harmful effect upon the character and appearance of the area. Insofar as they are a material consideration, the scheme would fail to accord with the design aims of SD4 of the JCS² and policy G6 of the Emerging Plan.

² Gloucester, Cheltenham and Tewkesbury Joint Core Strategy

Planning Balance

15. The proposal would support the delivery of the replacement of existing mobile/digital telecommunications equipment to accommodate services. This would bring benefits to businesses, services and residents. There has also been increased demand and use of such services during the COVID-19 restrictions.
16. The Framework sets out that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being, as well as that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology. The economic and social benefits of the scheme attract moderate weight.
17. Alternative locations in the area have been ruled out for reasons relating to signal, ownership, proximity to heritage assets, residential properties or public areas and highways considerations. Moreover, there is a need to replace the existing apparatus, that is set back further from the road than the proposed scheme. However, I have limited information on the nature or extent of the issues identified, or how these conclusions were reached. I also do not have detailed plans of these other sites. As such, it has not been demonstrated that these would be more harmful than the appeal scheme and this attracts limited weight.
18. That no unacceptable harm to living conditions, health or highways matters has been identified are neutral factors and do not weigh in favour of the scheme. That there have been no third-party objections to a proposal is not a reason to allow development that is unacceptable.
19. Consequently, on the basis of the information available to me the harm to the character and appearance of the area is not outweighed by the need to site the installation in this location and other benefits even when taken cumulatively.

Conclusion

20. I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR