

Appeal Decision

Site Visit made on 21 September 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2021

Appeal Ref: APP/Z0116/W/21/3276333

Constable Road, Lockleaze, Bristol, BS7 9RU

- 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 Hutchinson 3G UK Ltd. against the decision of Bristol City Council.
 - The application Ref 20/05550/Y, dated 15 November 2020, was refused by notice dated 8 January 2021.
 - The development proposed is a proposed 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions.
3. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority and therefore the Secretary of State 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 principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO 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.

Main Issue

5. In the context of the above, the main issue is the effect of the proposal on the character and appearance of the area and whether alternative sites have been satisfactorily considered.

Reasons

Character and appearance

6. The proposed development would be located within the footway alongside Constable Road. The area surrounding the site contains a mix of both commercial and residential buildings, yet the built form present is almost entirely low level, with the height of two-storey buildings defining the uppermost extent of building form in the immediate vicinity.
7. Within this context, the addition of a 15-metre-high mast at this location would be a highly visible, prominent, and incongruous addition to the street. It would be substantially taller than any feature within the immediate environs and be intrusive as a result. I note that there are a number of trees on the opposite side of the road that extend to a similar height, however the proposed mast would be visually distinct from this grouping and as such would generally be viewed in isolation from it. Thus, the trees would do little to ameliorate the appearance of the mast.
8. There are clear views of the site when approaching along Lockleaze Road and the mast would be a discordantly tall feature when viewed in the context of the surrounding development. In views from this road particularly, it would appear as an isolated component intruding into the relatively open view of the sky.
9. Further distant from the appeal site, are a number of large electricity pylons which are significant features in views in the area. However, notwithstanding their scale, they do not share a close visual affinity with the appeal site and its surroundings. Furthermore, they are located a sufficient distance away so that the proposed mast would be visually detached from them.
10. Accordingly, the proposed mast would have an adverse effect on the character and appearance of the area. In this regard, it would conflict with policy BCS21 of the Bristol City Council – Core Strategy (2011), as well as policies DM26 and DM36 of the Bristol City Council – Site Allocations and Development Management Policies Document (2014). Together, and amongst other things, these policies seek to ensure that development contributes positively to an area's character and that telecommunications equipment respects the character of an area.

Alternative sites

11. The appellant includes details of a number of discounted options for the location of the proposed development. However, the details show that only four alternative locations have been considered, with little detail provided in respect of each. It is also noted that all of the alternatives are located directly alongside the road and there is no consideration of sites in other locations, including possible sites within private land. The Council has also suggested in the submitted information that nearby sites of redevelopment may be suitable to accommodate the development, although I accept that no further details have been provided.
12. I therefore find that I am not convinced that sufficient exploration of alternative sites has been undertaken and accordingly, it has not been shown that the proposed location is the most preferable and least harmful.

Planning Balance

13. I acknowledge that the proposal would deliver economic and social benefits including the ability to advance 5G technological innovations, in accordance with paragraph 114 of the Framework. However, even when taking this into account, it would not outweigh the significant harm that would be caused to the character and appearance of the area.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR