
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/21/3275928

Easton Way / Stapleton Road, Easton, Bristol, BS5 0QA

- 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 UK Ltd. against the decision of Bristol City Council.
 - The application Ref 21/01641/Y, dated 17 March 2021, was refused by notice dated 14 May 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. The main issues are the effect of the proposed on the character and appearance of the area, including the effect on nearby trees, as well as on the living conditions of nearby occupiers.

Reasons

6. The appeal site comprises an area within the footway located alongside Easton Way, near to the junction with Stapleton Road. The footway is backed by low level planting set behind a low metal railing, with mature and substantial trees

located to the rear of this. The immediate vicinity is characterised by a spacious appearance around the road junction; however, this is limited in its extent due to the presence of the large trees together with nearby towers comprising residential units.

7. I observed that the development would be positioned in close proximity to the trees that line the highway at this location. The canopies of the trees overhang the footway and, in my view, without evidence to the contrary, the proposed mast would be positioned such that it would conflict with the tree canopy. Furthermore, in light of the proximity of the trees, I have concern over the potential for construction works to impact on their roots. No substantive evidence has been submitted to demonstrate that the proposal would have an acceptable effect in these regards. As such, there is significant potential for the development to result in damage to, or the future loss of, the trees that represent an attractive and important feature of the area. This would have an unacceptable adverse effect on the character and appearance of the area.
8. The proposed development would be situated to the rear of the footway near to the low metal railing. It would be viewed from most vantage points against the backdrop of the existing trees which rise to a similar height as the mast that is proposed. Furthermore, the area is not devoid of vertical features. As such, within this context and when considering the appearance of the mast in isolation, it would not be an unduly prominent or dominant feature of the area.
9. The Council raises concern over the potential for the mast to have an overbearing effect on the outlook of the occupiers of the nearby residences. There is specific reference to Rawnsley House and Twinnell House, which lie 65 metres and 80 metres respectively from the proposed location. Given that the height of the proposed mast would be 15 metres, I find that there is sufficient separation distance between the proposed and the existing residential units to ensure that there would be no detriment through an overbearing effect. This is particularly so given the height to which the adjacent trees rise. Given the lack of harm I find in this respect, I am also satisfied that there would be no damaging effect on the mental health of nearby occupiers, or any perception of ill health resulting from the development.
10. There has been some consideration of alternative sites for the development and other sites have been discounted, I particularly note that a number of options have been discounted due to the proximity of trees and the potential for underground roots to be present. Equally, I find the proposed location unacceptable for comparable reasons. There is limited information in respect of other discounted options and thus I cannot be satisfied that the proposed location is the least harmful option.
11. Therefore, while I find that the appearance of the development itself would have an acceptable effect on the character and appearance of the area, as well as the living conditions of nearby occupiers, I find that the siting of the proposed development results in significant potential for harm to nearby trees, which would have a consequential substantial harmful effect on the character and appearance of the area. Thus, the proposal is contrary to policy BCS9 of the Bristol City Council - Core Strategy (2011) insofar as it seeks to ensure the integrity of green infrastructure is not lost. Policy DM7 of the Bristol City Council – Site Allocations and Development Management Policies Document

(2014) is referenced in the reason for refusal; however, this relates specifically to town centre uses and does not appear to be relevant to the appeal scheme.

Planning Balance

12. 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 potentially be caused to the character and appearance of the area.

Conclusion

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

Martin Allen

INSPECTOR