



Appeal Decision

Site visit made on 28 September 2021

by Samuel Watson BA (Hons) MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 26 October 2021

Appeal Ref: APP/P4605/W/21/3272720

89190 - SW on North side of Heath Road, Bournville, Birmingham B30 1HU

- 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 Telfonica UK Ltd against the decision of Birmingham City Council.
 - The application Ref 2020/10231/PA, dated 22 December 2020, was refused by notice dated 8 February 2021.
 - The development proposed is a 20m height column supporting 6no. antennas, 2no. 0.3m microwave dishes and the installation of 1no. equipment cabinet.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original description on the planning application form referred to the microwave dishes being 0.3mm. This was clearly a mistake and the appeal form corrects this to 0.3m. I have used these correct measurements, which are shown on the submitted plans, in the development description in the banner heading above.
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 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 be had to the development plan. Consequently, I have had regard to the policies of the development plan, related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area.

Reasons

6. The appeal site is located on the verge and pavement serving Heath Road close to the junction with Hawthorne Road. Heath Road is a verdant street characterised by a sense of spaciousness and the regular pattern of mature trees that line the road. Separated from the appeal site by a mature hedge is a large playing field which contributes towards the green and spacious character of the area. On Hawthorne Road, close to the junction, is an existing shared mast.
7. I accept that the proposed cabinet would be a small and simple feature which would not be prominent or intrusive within the street scene. Moreover, given the distance between the existing and proposed masts, and the limited existing street furniture, I accept that the proposal would not result in a cluttering of the street scene. Whilst I am also mindful of the Bournville Village and Bournville Tenants conservation areas, given their distance from the site and the intervening features and buildings, the proposal would not affect either conservation area or their settings. I note also that the Council found similarly in this regard.
8. However, whilst the proposed mast would be sited between trees, given its significant height which would project above the trees, it would be a prominent feature in both close and more distance views. In particular it would be readily visible from some distance along Heath Road, when approaching the site from the direction of High Heath Close, as well as from a large portion of the nearby playing fields. This would be especially so when the trees are bare over the colder months. Although the mast and its antennas are a relatively neat and uniform feature, it would jar with the more natural and organic character of the area provided by the trees and other vegetation. Likewise, its height and bulk would mean it would not blend in with the relatively small streetlights serving Heath Road. Overall, this would result in a significant harm to the character and appearance of the surrounding area.
9. The appellant has raised that the new mast would be necessary for them to provide an improved, 5G, signal in this area. I am mindful of Paragraph 114 of the Framework which states that “advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being”. In that regard I note that improving the network and infrastructure would result in both economic and social benefits. However, as there is no identified deficiency in the area, the benefits associated with the development would not be sufficient to outweigh the significant harm outlined above.
10. One of the identified alternative locations is the roof of the Rowheath Pavilion. This was discounted by the appellant on the grounds that the roof is not of a sufficient height. However, no plans or other details have been submitted to demonstrate that the installation of equipment on the roof would not be feasible. Likewise, whilst sharing the existing mast has also been discounted on account of the required changes, no substantive plans have been submitted and so I cannot be certain that the proposal before me would have a lesser impact on character and appearance than this alternative. A further alternative, near the site, was also discounted following a similar proposal being refused at that location. Whilst this is sufficient to discount the option, as a whole I find the alternative schemes have not been properly explored, and I cannot be certain that the site before me is the only suitable option.

11. I note that a number of examples of appeals, both allowed and dismissed, have been raised by both of the main parties. They are largely for somewhat similar development, namely telecommunications masts and associated cabinets. Whilst this may be the case, from the information before me I find that the context and siting of these examples are not substantially the same as that before me. In particular, whilst the appeal at Eachelhurst Road¹ may share some superficial similarities with the site before me, the character of its surroundings is significantly different to that before me. Therefore, none of these examples have been determinative in my consideration of this appeal.
12. In light of the foregoing, whilst there may be some economic and social benefits resulting from the proposal in accordance with Paragraph 114 of the Framework, this would not outweigh the significant harm that would be caused to the character and appearance of the area.
13. In reaching the above I have been mindful of, and find the proposal would conflict with, Policy PG3 of the Birmingham Plan 2031: Birmingham Development Plan and 'saved' Policy 8.55 of The Birmingham Plan: Birmingham Unitary Development Plan. These require that development is of a high design quality and that telecommunications equipment is directed to suitable locations and, where possible, shares existing equipment. The proposal would also conflict with the locational and design guidance of the Telecommunications Development: Mobile Phone Infrastructure Supplementary Planning Document, and the overarching design aims of the Framework.

Conclusion

14. For the reasons given above, the appeal is dismissed.

Samuel Watson

INSPECTOR

¹ APP/P4605/W/21/3270873