
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: 1 December 2021

Appeal Ref: APP/Z0116/W/21/3277026

Princess Street, Temple, Windmill Hill, Bristol, BS3 4AG

- 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 21/01869/Y, dated 28 March 2021, was refused by notice dated 25 May 2021.
 - The development proposed is described as "Proposed 15m Phase 8 Monopole C/W, wrapround 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 Issues

5. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area, bearing in mind the nearby Bedminster Conservation Area, the location within the setting of listed buildings, as well as the nearby locally listed Historic Park and Garden and whether alternative sites have been satisfactorily considered, and

- ii) Whether the proposal would prejudice the future development of the area.

Reasons

Character and appearance

6. The proposed site is an area of footway adjacent to the junction of two roads: Princess Street and Victoria Grove. The surrounding area is characterised by commercial development and buildings, but generally this rises to only two storeys in height. The existing street furniture in the area, such as streetlights, and the two-storey buildings, define the uppermost extent of built vertical features within the immediate vicinity. Thus, the area is distinctly low-rise in its character.
7. Despite the commercial nature of the area, the proposed mast would be an intrusive feature in the locality, towering above the height of other development that is present. It would be an overly prominent addition to the street that would be visible from views beyond the immediate area, including from surrounding roads. As a result, it would be a highly discordant addition at this location, harmfully out of scale with existing features.
8. The Bedminster Conservation Area lies near to the site, being in closest proximity to the north. I observed that the significance of this designated heritage asset lies, in part, in the quality of the buildings located within it, which are largely two-storey properties arranged in terraces along streets. To the south of the site, is the locally listed Victoria Park, a large, open public park occupying an elevated position, allowing panoramic views towards the city.
9. Having walked the area of Victoria Park, I acknowledge that there is intervisibility between this area and the conservation area. However, the park occupies an elevated position, with the location of the proposed mast being situated at a lower level. Given that the appeal site is within a distinctly commercial area, the mast would be most closely related to the commercial buildings present. Furthermore, the lower level of the proposal would ensure that from vantage points both within the historic park and the conservation area, the mast would not appear overly tall, such that it would diminish how the assets are appreciated. Equally, from the area of the proposal, when looking towards the assets, given the distance to the assets and that they would be viewed from the context of a highly commercial area, it would not be harmful to the way in which the assets are experienced. Thus, I find that the scheme would not be harmful to the significance of the conservation area or the historic park.
10. To the north of the site also there are a number of Grade II listed buildings, these comprise terraced properties along York Road, Numbers 74 to 80, 86 to 98 and 108 to 120. The significance of these designated heritage assets lies in the quality of their design, detailing and construction, predominantly to their front elevations and incorporating the inclusion of front basement area railings. The proposed mast would be located a considerable distance from the rear elevations of these listed buildings. Between the proposed and the listed buildings are existing commercial buildings, roads and a number of trees. The proposed mast and the buildings would be clearly separate features and are not viewed in the same context as each other. As a consequence, the proposal would not be harmful to the setting of these listed buildings.

11. Nonetheless, while I have found that the proposal would not be harmful to the identified heritage assets, it would result in substantial harm to the character and appearance of the area within which it would be located. Thus, as far as they are material considerations, it would conflict with policy BCS21 of the Bristol Development Framework – Core Strategy (2011) and policies DM26 and DM36 of the Bristol Local Plan – Site Allocations and Development Management Policies (the DM Policies Plan) (2014). Together, and amongst other things, these seek to ensure that development contributes positively to an area's character and that telecommunications equipment respects the character and appearance of an area.
12. The appellant includes details of a number of discounted options for the location of the proposed development. However, of the other sites that have been explored, little detail is 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 or on existing buildings. I therefore find that I am not convinced that sufficient exploration of alternative sites has been undertaken and accordingly, it has not been satisfactorily demonstrated that the proposed location is the most preferable and least harmful.

Future development

13. The Council raise concern over the possibility for the development to prejudice future potential redevelopment of the surrounding area. In this respect, I note that no information has been put before me in terms of a specific scheme of redevelopment or anything other than broad intentions of what this may comprise.
14. I note that it has been indicated that within the new draft Local Plan that the area is intended to be allocated for redevelopment. However, other than indicating that the plan was consulted on in 2019, there is no information in respect of the current stage of preparation of this plan. As such, the matter of this draft Local Plan carries little weight.
15. I find that I am not convinced by the production of any substantive evidence, that the development would substantially hinder or restrict the development potential of the area. Thus, I find nothing that leads me to conclude that the scheme would conflict with policy DM27 of the DM Policies Plan, insofar as it seeks to prevent development prejudicing the development potential of an area.

Other Matters

16. I am conscious that the Council also raise concern in respect of the level of consultation undertaken. The Framework makes clear at paragraph 117 that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include, inter alia, the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college.
17. While the Site-Specific Supplementary Information document submitted by the appellant contends that there are no schools or colleges in close proximity to

the proposed location, the Council highlight that the nearest local authority school is located 190 metres from the appeal site and an independent school is located directly alongside the proposed location of the mast itself. As such, the lack of consultation with these institutions is an omission. However, as I am dismissing the appeal with reference to the substantive matter above, I have not dwelt on this issue further.

Planning Balance

18. 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

19. There would be no harm to designated or non-designated heritage assets, nor would there be any evidenced effect in terms of prejudicing the future development potential of the area. However, I find that there would be harm to the character and appearance of the area; this matter is decisive.
20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR