



Appeal Decision

Site visit made on 16 November 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2021

Appeal Ref: APP/P4605/W/21/3279774

Petersfield Road SW, Petersfield Road, Hall Green, Birmingham B28 0BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Articles 3 (1) and 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 MBNL against the decision of Birmingham City Council.
 - The application Ref 2021/03786/PA, dated 20 April 2021, was refused by notice dated 16 June 2021.
 - The development is Proposed 20.0m High EE/H3G Phase 7 Streetworks Pole on root foundation and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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 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.
3. 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. I have had regard to the policies of the development plan 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

4. In light of the above, the main issue is the effect of the development on the character and appearance of the area.

Reasons

5. Petersfield Road is within a residential area, and the appeal site is located close to an area of public open space and as such would be located close to mature trees and vegetation. The nearby houses are two-storey in nature and the area of public open space alleviates from the immediate locality of highways and housing.

6. There is a signpost in front of the public open space that has the dimensions of a lamppost, but a little lower in height, and a telegraph pole on the opposite side of the road from the appeal site. There is a general suburban nature to the character of the area, and street furniture is restrained and not in the ascendancy. The public open space provides a pleasant area of greenery and interest in the street scene
7. Due to the layout of the street scene, and the highway layout, the mast would be visible from some distance when approaching from either main direction but more so when approaching along Petersfield Road from a north easterly direction.
8. Whilst the lower portion of the mast would be assisted in screening by the trees and vegetation when approaching from some directions, the structure would tower above the tree canopies and the surrounding buildings. As a result, it would be a prominent feature and disrupt the rhythm of the public open space and be visible from a number of nearby dwellings.
9. Although it could be argued that the mast is a slim, unfussy design, it would be considerably taller and bulkier than any of the nearby street furniture and the utilitarian appearance would not fit well into this predominantly residential environment.
10. From closer viewpoints, the entire structure would be visible. It would be an unattractive and dominating feature, diminishing the positive role that the green space plays in the appearance of the street scene. The scale and design of the installation would be incongruous in this setting. Consequently, regardless of the colour finish that could be used on the equipment, I conclude that the siting and appearance of the proposal would significantly harm the street scene and the character and appearance of the area.
11. The harm to the character and appearance of the area must be balanced against the economic and social benefits of the proposal. Paragraph 114 of the National Planning Policy Framework (the Framework) recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Consequently, it advises that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).
12. In this case, the appellant's evidence demonstrates that there is a need for a new mast in the area, due to an existing site being served with a Notice To Quit, and to cater for the forecast rapid increase in demand for mobile services in the future. In accordance with the advice at paragraph 118 of the Framework, the Council does not question the need for improved coverage.
13. Nevertheless, Paragraph 115 of the Framework advises that the number of telecommunications masts should be kept to a minimum, consistent with the needs of consumers, the efficient operation of the network, and providing reasonable capacity for future expansion. Paragraph 117 advises that, where a new mast is proposed, evidence should be submitted to demonstrate that the applicant has explored other possibilities.

14. Whilst this site search has been supplied, little evidence has been provided to explain why the alternative sites identified constitute the only reasonable alternatives. Furthermore, the conclusion that the chosen site is the most preferable in visual terms is somewhat lacking. Whilst other sites may not offer the same coverage as the appeal proposal, insufficient evidence has been presented to show the severity of the reduction in coverage if a more visually acceptable proposal was pursued.
15. The proposed mast would provide a reliable 5G service to the area. Faster and more reliable connectivity to digital services would provide economic and social benefits to residential occupants. These would be wide-ranging, including smarter public services. However, these benefits must be weighed against the significant harm that the proposal would have on the character and appearance of the area.
16. Consequently, in the absence of compelling evidence to demonstrate that there are no preferable alternatives, I conclude that the benefits of the proposal, in terms of improved mobile connectivity in the locality, would be outweighed by the significant harm to the character and appearance of the area.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR