



Appeal Decision

Site visit made on 11 January 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal Ref: APP/Q4625/W/21/3280731

Castle Lane, at junction of Knightsbridge Road, Solihull, West Midlands B92 8RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 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 Limited against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/00038/PN, dated 7 January 2021, was refused by notice dated 30 April 2021.
 - The development proposed is a 19m high mast featuring integrated cabinet and supporting communications apparatus, plus 6 No. equipment housing cabinets at ground level and ancillary works thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.
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 (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and Appearance

5. The appeal site is in front of a small parade of retail units and a children's nursery, which are a focal point in the locality in an otherwise residential area. The appeal site's location on a wide area of pavement is relatively exposed, being set close to the junction between Castle Lane, Knightsbridge Road and Dene Court Road. Behind is a service road, further pavement and the retail frontage. Houses and commercial premises are two storey, both having a domestic scale. With the exception of some trees in rear gardens and those adjacent to the canal, there is an absence of tall vegetation in the vicinity of the site. The prominence of the site is emphasised by its location close to the brow of a hill, with Dene Court Road, Castle Lane (from the north) and Knightsbridge Road sloping up towards the site.
6. Consequently, it would generally be viewed against the sky rather than having a backdrop of existing buildings or vegetation. Whilst it would be coloured light grey, the considerable height of the proposed mast would appear at odds with the two storey domestic scale of surrounding buildings. It would also appear considerably taller and wider than street lamps and telegraph poles in the vicinity. Together with the associated equipment cabinets, it would increase the street clutter visible from nearby houses, as well as for pedestrians and road users. Although it is understood that cars frequently park on the appeal site, unlike the proposed cabinets, these are not permanent fixtures in the street scene. Accordingly, the proposal would appear as a conspicuous and intrusive feature in the street scene.

Suitable Alternatives

7. I note the alternative locations considered by the appellant and reasons given for discounting each of those. However, given the harm I have identified, such alternatives must be robustly explored to determine the likelihood of there being less harmful alternatives to the appeal scheme. For example, the appellant's evidence discounts a possible alternative site on the corner of Dene Court Road and Castle Lane (site 5) on the basis that siting the proposal there would have a greater impact on residential amenity relative to the appeal site, and could unacceptably restrict pedestrian movement.
8. However, houses immediately behind site 5 do not front onto that corner, being instead aligned with Dene Court Road and Castle Lane. In contrast, the appeal site is located directly in front of first floor residential accommodation that would face on to the appeal scheme at relatively close proximity. Moreover, whilst there may be less pavement space available at site 5 in comparison to the appeal site, it is not clear that the pavement is so constrained by the proposed mast and cabinets as to unacceptably restrict pedestrian movement there.
9. Furthermore, it appears that many of the sites that have been discounted, including site 5, are less of a focal point in the locality than the appeal site. I note that the Council officer's delegated report accepted that alternative sites had been assessed and justifiably discounted. However, on the evidence before me I am not persuaded that the reasons for discounting other sites, including site 5, are fully justified. I cannot be sufficiently certain that the harm would be equivalent or worse on a site elsewhere.

10. The appellant has cited a number of appeal decisions. The majority of these support the case that the public benefit of improved mobile telecommunication networks, including in light of heightened reliance on such networks during the Covid-19 pandemic, is a material consideration that would outweigh any other harm that might arise. I recognise the importance of good, fast, reliable and cost-effective communications and the support for high quality communications infrastructure within the National Planning Policy Framework, as well as within Solihull Local Plan (December 2013) (Local Plan), including Local Plan Policy P14. There is no basis to question the appellant's contention that the equipment is necessary to achieve the required standard of network coverage. I note that the proposal would be shared by two operators.
11. Full details of the appeal at Yardley Wood Road¹ are not before me. However in that case, whilst the mast was described as being roughly twice as tall as street lamps, those were positioned sufficiently frequently to create a rhythm in the street scene. The same cannot be said for this site, where street lamps appear more randomly spaced. Moreover, the inspector found that that mast would not be incongruous in its context, whereas in this context, I find that the appeal proposal would.
12. Therefore, the harm from the siting and appearance of the proposed installation on the character and appearance of the area would not be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.
13. Insofar as they are a material consideration, the proposal would be contrary to Policy P15 of the Local Plan which seeks to ensure proposals achieve good quality design, including protecting local character and the quality of the street scene. It would also be contrary to the aims of Policy P14 of the Local Plan which, whilst supporting telecommunications developments, requires proposals to have regard to the effect on their surroundings.

Conclusion

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

Rachel Hall

INSPECTOR

¹ Ref APP/Q4625/W/18/3196154