



Appeal Decision

Site visit made on 14 March 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/Z0116/W/21/3285158

Footpath on Allison Road, Adjacent to Wick Road Library, Brislington, Bristol, BS4 4HE

- 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 Vodafone against the decision of Bristol City Council.
 - The application Ref 20/06175/F, dated 18 December 2020, was refused by notice dated 27 April 2021.
 - The development proposed is Removal of 15m high T-Range column incorporating 6no. antennas (brown), 3no. cabinets (1no. 770 x 618 x 1940mm; 2no. 770 x 750 x 1925mm), 1no. meter cabinet (355 x 185 x 1250mm) and all ancillary development. Installation of a 17.5m Apollo pole (brown) with 6no. antennas; 2no. cabinets (1898 x 798 x 1645mm) & 1no. meter cabinet (655 x 255 x 1015mm) (RAL6009 Fir Green); and all ancillary development.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the removal of 15m high T-Range column incorporating 6no. antennas (brown), 3no. cabinets (1no. 770 x 618 x 1940mm; 2no. 770 x 750 x 1925mm), 1no. meter cabinet (355 x 185 x 1250mm) and all ancillary development. Installation of a 17.5m Apollo pole (brown) with 6no. antennas; 2no. cabinets (1898 x 798 x 1645mm) & 1no. meter cabinet (655 x 255 x 1015mm) (RAL6009 Fir Green); and all ancillary development, at land at Footpath on Allison Road, Adjacent to Wick Road Library, Brislington, Bristol, BS4 4HE, in accordance with the terms of the application Ref 20/06175/F, dated 18 December 2020, and the plans submitted with it including 86956VF(D)-100A, 86956VF(D)-200B, 86956VF(D)-300B, 86956VF(D)-201D and 86956VF(D)-301D.

Preliminary Matters

2. The provisions of 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 the appeal has been made on the same basis.
3. The Council refers to development plan policies in its refusal reason. 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 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.

4. On 20 July 2021, after the Council made its decision, the Government published its revised Framework. I am satisfied that the changes are not significant in relation to the appeal proposal. I therefore do not consider it necessary to invite further comments from the parties on this matter, and all references to the Framework within my decision are to the 2021 version.

Main Issue

5. The effect of the siting and appearance of the proposal 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

6. The appeal site is located in an urban area close to a busy road junction at the top of a hill. Buildings in the area are mostly two-storey residential, although other buildings near the road junction include a large church and a library. The proposal would replace an existing 15m pole. The replacement pole would occupy a similar position to the existing pole, at the back edge of the pavement behind the library.
7. The proposed pole would be taller than the existing pole and would be a bulkier structure, with a greater width and a more cluttered arrangement at the top where the unshrouded antennas would be arranged vertically. Although it would have these differences it would still appear as a largely vertical structure, maintaining the overall form of a pole.
8. In a similar way to the existing pole, it would rise well above the height of the library and nearby streetlights. However, these existing elements of street furniture and nearby buildings would mitigate its impact to a certain degree, to the extent that it would not appear isolated. It would be more prominent than the existing pole owing to its additional height and bulkier scale, however views of the complete structure would be possible only along a fairly short length of Allison Road and at the ends of the other roads where they intersect with the adjoining road junction. Beyond this, the pole would be viewed over other buildings or more distantly where it would be seen in the context of a densely developed area and undulating urban topography.
9. The Council refers to views of the proposed pole from the other side of Nightingale Valley on Allison Road and from Sandy Park Road. I accept that it would be possible to see the upper part of the pole in these views, however from these distances it would be viewed as a single vertical pole that would not be unexpected within a densely developed urban scene.
10. I am therefore of the view that the proposal would cause some harm to the character and appearance of the area. The appellant sets out the need for the proposal, and the Government's support for such proposals is clear. Paragraph 114 of the Framework establishes that decisions should support the expansion of electronic communications networks including next generation mobile technology. These matters weigh heavily in favour of the proposal.

11. Paragraph 117 c) of the Framework expects evidence to be submitted to justify all applications. Policy DM36 of the Bristol Local Plan Site Allocations and Development Management Policies states that proposals for new installations will be permitted provided that, amongst other things, there are no suitable alternative sites for telecommunications development available in the locality. As I have found that the siting and appearance of the proposal would cause harm to the character and appearance of the area I need to consider whether there are suitable alternative sites that would be less harmful.
12. The proposal would see an existing pole replaced and would thus represent the upgrading of an existing site. The information before me includes a detailed analysis of whether there are alternative sites that would be better suited to the proposal. I am satisfied that this evidence demonstrates that the proposal is the most suitable site. I can therefore conclude that the harm to the character and appearance of the area, arising from the siting and appearance of the proposal, is outweighed by the need for the installation to be sited as proposed.

Other Matters

13. There have been several representations against the proposal from local residents, which I have carefully considered. I have addressed most of these matters in my decision already. Concerns have been raised about the potential effects of the proposal on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, paragraph 118 of the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
14. I have established that my assessment of the proposal is limited to matters relating to siting and appearance. Various additional matters before me, including the potential polluting effects of such masts, are not related to where it would be positioned or its visual impact, and thus do not cause me to come to a different view on the merits of the proposal.

Conditions

15. Any permission granted under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

16. For the reasons above, the appeal should be allowed, and prior approval should be granted.

A Tucker

INSPECTOR