



Appeal Decision

Site visit made on 4 November 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/R1845/W/21/3275940

**Birmingham Road, Kidderminster, Wyre Forest, Worcestershire,
West Midlands DY10 2SA**

- 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) ('GPDO').
 - The appeal is made by Hutchinson 3G UK Limited against the decision of Wyre Forest District Council.
 - The application Ref: 21/0359/TEL, dated 29 March 2021, was refused by notice dated 13 May 2021.
 - The development proposed is 15m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For the purposes of my Decision, I have taken the appellant's name, the site address, and the description of the proposal and the date of the application from the covering letter submitted with the application.
3. 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 this appeal has been made on the same basis. Also, I have only had regard to the development plan, emerging local plan, related guidance and the National Planning Policy Framework ('the Framework') insofar as they are material to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area including a non-designated heritage asset; the effect on the living conditions of neighbours with regard to outlook and, in the event that any harm is identified, whether that harm would be outweighed by the need to site the installation in the location proposed and any benefits associated with the proposal.

Reasons

Character and appearance

5. The appeal site comprises part of the pavement along Birmingham Road. This is located directly in front of a substantial detached building known as Adams House. This building is the former offices of Adams Carpets and its significance is derived from both its historic and architectural importance to the area.
6. The list entry, LLK21 for Adams House is as follows: "Offices. Inscription over front doorway states 'Offices. W. & R. R. Adam Ltd. 1928'. Two storeys. Five bays. Central recessed entrance. Spandrels to second and fourth bays have decorative panels. Art Deco style." It also incorporates a central entrance with a pedimented roof. The building is a non-designated heritage asset that has been refurbished and its appearance positively contributes to the character and appearance of the area.
7. In particular, the frontage to Adams House incorporates a low wall and railings which due to their limited scale and simple form give prominence to this building. There are trees within the grounds of Adams House and the pavement, these generally frame the building and therefore complement its architecture and also positively contribute to its setting.
8. The nearby area does incorporate some small-scale elements of street furniture including road signs, signage associated with nearby businesses and other vertical structures such as lamp posts and telegraph poles which are slender in form. Therefore, these are not visually obtrusive and are settled within the street scene.
9. The proposal is intended to improve digital wireless, mobile coverage within this area with new equipment to facilitate part of an integral requirement to expand Fifth Generation (5G) coverage. This would comprise a 15m monopole incorporating a wrap-around cabinet at its base, along with further separate cabinets adjacent to this. These are to be sited along the pavement close to the boundary wall and railings associated with Adams House.
10. In the abovementioned context, the proposed 15m monopole because of its siting and utilitarian appearance would disrupt the arrangement and undermine the appearance of the established street trees. The monopole would also not visually integrate with the nearby street lighting and telegraph poles due to its appreciably greater height and column width, and more bulky and visibly distinct headframe design in relation to the supporting column. It would also be relatively taller than the height of the building behind it. Thereby, appearing unduly visually prominent.
11. Whilst the proposal would be flanked by the street trees, on the information before me these are deciduous, and therefore the proposed monopole would be even more noticeable within the street scene during autumn/winter months when leaf cover is reduced.
12. The position of the monopole and cabinets in proximity of the roadside would further contribute to the visual dominance of the proposal as perceived by residents, passing drivers and pedestrians, particularly in views towards Adams House.

13. Consequently, the proposal would introduce a stark and incongruous feature within the street scene directly in front of Adams House, which would significantly and unacceptably detract from its setting, particularly in views from along the adjacent highway.
14. The appellant asserts that the equipment cabinets would be classified as permitted development. This is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. The proposal before me therefore relates to the whole installation, including the cabinets.
15. For the above reasons, the proposal due to its siting and appearance would significantly harm the setting of a non-designated heritage asset to the detriment of the character and appearance of the area.
16. The appellant advises that the equipment could be finished in colour appropriate to the location to minimise its visual appearance. However, I am not persuaded that the visual impact arising from the design, height and siting of the structure could be mitigated by the use of a particular colour finish.

Living conditions

17. There are dwellings across the road from Adams House in proximity of the appeal site, including one with limited frontage landscaping. Therefore, the proposal would dominate the views from the windows of this property and to a lesser extent, others. Consequently, having found that the proposal harms the character and appearance of the area, its siting and appearance would also unacceptably harm the living conditions of the occupiers of these dwellings with regard to outlook.

Other considerations

18. Support for the delivery of advanced, high quality and reliable communications networks is afforded by the Framework, by other government documents and the development plan, and such networks bring significant social and economic benefits. Furthermore, the proposal would support new 5G coverage to a predominantly residential area. Based on the revised scheme the appellant has also reduced the extent of the monopole from 20m (in response to a previously refused application) and advises that for technical reasons it cannot be reduced further in height.
19. Paragraph 117(c) of the Framework outlines that for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure should be submitted.
20. The sequential approach to site selection includes: 1. Upgrading an operator's own existing base station(s); 2. Using existing telecommunications structures belonging to another code system operator, i.e., mast sharing; 3. Co-location or site sharing alongside existing telecommunications development; 4. Installing a base station on an existing building or tall structure. If 1-4 are unavailable, the only viable option is 5. Erection of a new ground-based mast.
21. Although the appellant has identified that there are no opportunities for upgrading existing base stations or site sharing available, on the information before me, I cannot be certain that they have also considered using any existing buildings or tall structure. Also, based on the comments provided by

the Council on some of the alternative sites considered by the appellant and suggestions made by the Council in its appeal statement, I am also uncertain that alternative sites have been properly discounted. Consequently, I am not persuaded that a less harmful location could not be found.

22. The fact that the proposal would meet the ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines for public exposure is a requirement of prior approval and does not influence my findings on the main issue. I also do not consider that the lack of a pre-application response by the Council has any significant bearing on the merits of the appeal.

Planning balance and conclusion

23. I acknowledge the potential economic and social benefits of the proposal detailed by the appellants, and the support given by the Framework under part 10 (Supporting high quality communications) to advanced, high quality and reliable communications infrastructure, including 5G networks, in supporting economic growth and social well-being.
24. However, in this case, for the reasons given above, I do not consider that the public benefits of the installation in terms of the enhancement of the telecommunications network (for which there is some local support), its contribution to economic growth and the locational needs outweigh the significant harm that I have found arising from the proposal due to its siting and appearance.
25. As such, the proposal would not accord with the aims of Policy CP11 of the Adopted Core Strategy, Policy SAL.CC5 of the Adopted Site Allocations and Policies Local Plan and draft Policies 24A, 26 and 27A of the Emerging Wyre Forest Local Plan (2016-2036) and paragraph 203 of the Framework insofar as these are material to this application for prior approval. I, therefore, conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR