
Appeal Decision

Site visit made on 14 March 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/Z0116/W/21/3280955

Shirehampton Road, Sea Mills, Bristol BS92EQ

- 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) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Bristol City Council.
 - The application Ref 21/02990/Y, dated 16 May 2021, was refused by notice dated 20 July 2021.
 - The development proposed is a 15.0m Phase 8 monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision was issued on the basis of amended plans. These show a 15 metre mast rather than the 18 metre mast featured on the original plans. The change was reflected in the amended description used on the decision notice, which I have used in the banner heading above. Though for reasons unexplained the appellant's appeal statement nonetheless refers to the original description and to an 18 metre mast, I have determined the appeal on the basis of the revised plans.
3. Notwithstanding the inclusion of a wraparound cabinet and ancillary works within the application description, the appellant states that they should not be subject of consideration as they do not require prior approval. The Council clearly takes a different view, and I shall again determine the appeal on the basis of its decision. This does not however override the appellant's legal rights. In this regard, should the appellant maintain the view that parts of the scheme can be constructed in the absence of prior approval, this would ultimately be a matter for subsequent resolution with the Council. That said, it appears improbable that either the cabinet or ancillary works would or could be installed in the absence of the mast.

Main Issue

4. Insofar as the GPDO limits consideration of the proposed development to the matters of siting and appearance, the main issue is: whether the siting and appearance of the development would preserve or enhance the character or appearance of Sea Mills Conservation Area (the Conservation Area).

Reasons

5. The site is located within the Conservation Area, which is Article 2(3) land for the purposes of the GPDO, and a designated heritage asset. Whilst Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) sets out the desirability of preserving or enhancing the character or appearance of conservation areas, paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets. Paragraph 200 further states that any harm of loss of significance should require clear and convincing justification.
6. Insofar as it is relevant to this appeal the significance of the Conservation Area resides in the planned layout and design character of the municipal estate that it covers. This was constructed as a garden suburb during the years following the First World War. The appeal site lies within Sea Mills Square (the Square), which is a key focal point within the layout of the estate, at which 4 roads, and 5 routes converge. The roads are geometrically laid out to provide a symmetrical arrangement which defines a number of public spaces. Together these provide the Square with a strongly open character, across which there are clear views. The Square is further defined by surrounding 2-storey dwellings of largely matching design. Both these and the layout in turn provide emphasis to Sea Mills Methodist Church which is sited to overlook the Square.
7. The mast would be located midway towards the centre of the Square and would be the tallest structure in it. Unlike existing lamp posts it would not be ancillary to a defining feature of the Square, nor form part of a group of such structures. It would also be far more substantial in form and striking in its appearance. Given that it would be largely surrounded by open space all these points would be clearly appreciable from within the immediate setting, and accentuated. The mast would as such form a new and alien focal point within the Square.
8. Though it is nonetheless claimed that the mast would be screened by trees, any screening would be very limited, and would exist only in relation to certain fixed perspectives when trees were in leaf. As the Square is a space through which people move year-round, screening of this type would be negligible. Moreover, the nearest tree, known as the Addison Oak, is itself an important historic local landmark, whose value as such would be greatly diminished through physical and visual competition with the mast. Similar would be true in relation to the Methodist Church, underlining the lack of integration between the mast and the planned layout and character of the Square. For this and the above reasons the mast would appear both highly prominent and incongruous within its setting.
9. The development would not therefore preserve or enhance the character or appearance of the Conservation Area, contrary to the expectations of the Act, and its significance as a designated heritage asset would not be conserved.
10. The appellant explains that the need to improve 5G mobile coverage requires the mast to be sited within an area of geographically limited size. However, the reasons for such constraint are not clearly illustrated, and nor is the rationale underpinning the particular options considered for siting, almost all of which lie well outside the area of search. It is unclear whether siting on a building has been considered, and the Conservation Area itself appears to have played little obvious role in the selection process. The evidence presented does not

therefore demonstrate that alternatives have been properly or thoroughly investigated, or therefore that the level of harm caused would be wholly unavoidable. The proposal therefore falls short of providing clear and convincing justification for such harm.

11. The harm caused to the significance of the Conservation Area would be less than substantial. Such harm attracts considerable importance and weight. In accordance with paragraph 202 of the Framework it is necessary to weigh this harm against the public benefits of the scheme.
12. The social and economic benefits of mobile telecommunications coverage are implicitly recognised by the grant of permission under Article 3(1) of the GPDO. They are further acknowledged by the Framework. The development would modestly improve coverage, and this is a public benefit to which I attach moderate weight. That being so, and in view of my findings above, such weight is insufficient to outweigh the harm that would be caused to the significance of the Conservation Area.
13. For the reasons outlined above I conclude that the siting and appearance of the development would fail to preserve or enhance the character or appearance of the Conservation Area. The development would as such conflict with the expectations of the Act. There is no requirement in this case to determine the appeal against policies within the development plan. However, insofar as it nonetheless remains a material consideration, the development would thus also conflict with Policy BCS22 of the Bristol Development Framework Core Strategy 2011 (the CS) and Policy DM31 of the Bristol Local Plan – Site Allocations and Development Management Policies 2014 (the DMP), which each support the above objectives; Policy DM36 of the DMP which requires telecommunications equipment to respect the character and appearance of the area within which it is installed; and Policy BCS21 of the CS and Policy DM26 of the DMP which more generally seek to secure development that contributes towards local character and distinctiveness.

Conclusion

14. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR