



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: 29 April 2022

Appeal Ref: APP/Z0116/W/21/3282507

East Dundry Road, Whitchurch, Bristol, BS14 0LN

- 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 CK Hutchinson Networks (UK) Ltd against the decision of Bristol City Council.
 - The application Ref 21/03232/Y, dated 4 June 2021, was refused by notice dated 4 August 2021.
 - The development proposed is Proposed 18.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

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 only in so far as they are a material consideration relevant to matters of siting and appearance.
4. A second list of alternative sites was submitted with the appeal. The appellant has clarified that it is the second list of alternative sites which should be taken into account. With regard to the case of *Phillips v FSS, Havant BC and Hutchinson 3G (UK) Limited* [2003] EWHC 2415 (Admin) to avoid procedural unfairness it was necessary for the Council to reconsult interested parties during the appeal process, to invite any additional comments, limited to the matter of the second list of alternative sites included within the appellant's appeal statement. I have taken into account any additional comments received in my determination of the appeal.

Main Issue

5. The effect of the siting and appearance of the proposal on the character and appearance of the area, including the setting of the nearby listed building known as Bridge Farmhouse, and the living conditions of the occupiers of nearby dwellings; and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account suitable alternatives.

Reasons

6. The appeal site is located in an urban area. Buildings near to the site are mainly residential, although there are some commercial and retail uses on the opposite side of the road, and a school and pub are nearby. The area has the appearance of a small local centre. The appeal site is at the front edge of an area of open space that connects up with a network of open spaces and green corridors that run through the area.
7. The pole would stand in an isolated position, at the edge of the open green area and away from any significant tree presence. There is no natural screening from nearby vegetation that would mitigate the significant impact of the structure. Streetlights in the area are modest in height. Dwellings in the area are two storey in height. The terrace opposite the site with ground floor shopfronts and two residential stories over is flat roofed, and in any case is on the opposite side of the road from the proposal. The pole would thus stand prominently in this open area and would appear highly incongruous, in an area that lacks any significant vertical structures or mitigating features.
8. The open space separates the existing dwellings to the west and north from the appeal proposal, and most of these dwellings would not face directly towards the proposed pole. There would however be some harm to the occupiers of the flats immediately to the east of the site, which have large windows facing out over the open space. The incongruous appearance of the isolated siting of the pole would harm the outlook that the residents currently enjoy over this area of open space.
9. Bridge Farmhouse is a grade II listed building that stands to the northeast of the appeal site. The two are not directly visible from each other owing to the intervening terrace, however they are seen in the same view from the north, when looking south along East Dundry Road. The area associated with the appeal site, to the west and south of the listed building, appears to be almost entirely mid 20th century, and has the character of an expansive residential suburb.
10. The open space around the listed building is contained by substantial trees along the roadside boundary. This provides a robust boundary that separates the farmhouse from the modern development that surrounds it, and allows it to retain a remnant of its historic rural setting. Beyond that I am not satisfied that the mid 20th century suburban development of the area is a component of the building's setting that contributes positively to its significance. Thus, although the pole would be seen in the same view as the listed building, I am not satisfied that it harms an aspect of its setting that contributes to its significance.

11. 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.
12. 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 and the outlook enjoyed by the occupiers of nearby dwellings, I need to consider whether there are suitable alternative sites that would be less harmful.
13. The document titled Site Specific Supplementary Information includes a list of alternative site options. The appellant's appeal statement includes a different list. In this document seven sites are detailed briefly and plotted on a map. No explanation is given as to why these alternative sites are different to those considered in the earlier report that was submitted to the Council or why the second list should be considered instead of the first.
14. This discrepancy is significant. It places considerable doubt over whether the appellant has considered alternative site options properly. I cannot therefore be sure that the evidence before me is sufficiently robust to justify the proposed siting, or that more suitable sites, that would not harm the character and appearance of the area to the same degree, are not available within the search area.
15. In summary, I am unable to conclude that the proposal is the most suitable site to satisfy the identified need, sufficient to outweigh the harm arising from the siting and appearance of the proposal upon the character and appearance of the area and the living conditions of the occupiers of nearby dwellings. The appeal must therefore fail.

Conclusion

16. For the reasons above, the appeal should be dismissed.

A Tucker

INSPECTOR