



Appeal Decision

Site visit made on 10 May 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/P4605/W/21/3287408

Priory Road Street Works, Priory Road, Birmingham B28 0TG

- 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 Hutchison Networks (UK) Ltd against the decision of Birmingham City Council.
 - The application Ref 2021/07136/PA, dated 12 August 2021, was refused by notice dated 22 September 2021. The development proposed is a 5G telecoms installation: H3G Phase 8 15m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council adopted the Development Management in Birmingham Development Plan Document (the DPD) on 7 December 2021, after the start of this appeal. Saved policies 8.55 to 8.55C of the Birmingham Unitary Development Plan (2005) were superseded on adoption of the DPD. The Council made reference to this in their appeal statement giving the appellant an opportunity to comment at appeal.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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.
4. 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 nevertheless had regard to the policies of the development plan, including Policy PG3 of the Birmingham Development Plan (January 2017), Policy DM16 of the DPD, the Council's Telecommunications Development: Mobile Phone Infrastructure Supplementary Planning Document (2008), and the National Planning Policy Framework (Framework), only in so far as they are material to matters of siting and appearance.

Main Issue

5. The main issue is the effect of siting and appearance of the proposed installation on the character and appearance of the area and the outlook from nearby houses, 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 alternative.

Reasons

6. Priory Road has a wide central grass verge containing widely spaced small trees in the vicinity of the site. It has spacious pavements to either side. Houses are generally of a uniform two storey height and lampposts are of a consistent design, regularly spaced along the road. The Priory Service Station building is low lying, emphasised by ground levels that fall away to its rear. Whilst a commercial use in a residential area, the scale of that building is therefore unobtrusive in the street scene. Consequently, this stretch of the road is defined by its open character. In addition, open views of the sky are a positive feature of the character and appearance of the area.
7. The proposed mast would be situated immediately adjacent to an existing lamppost, against which the monopole would appear noticeably wider, with antenna that would appear bulky, extending 5 metres above. Given the low lying nature of the garage and open views of the sky, the monopole would be highly visible and appear overly dominant in the street scene. Whilst not at very close range, it would also appear prominent in views from nearby houses. This would be particularly so from houses on the opposite side of Priory Road that face directly towards the appeal site, where it would be viewed against open skies. In addition, it would partially block the wording of signage on the canopy of the garage that directly faces onto the road. As a result, the mast would detract from the character and appearance of the area and result in harm to the outlook from nearby houses.
8. I note the alternative locations considered by the appellant and reasons given for discounting each of those. In many instances the locations of the sites that have been discounted is given as a road name rather than a precise address or grid reference. However, the prominence of a proposed monopole would inevitably vary depending on its precise location on a particular road. For example, Ravenhill Road is predominantly residential in character but also includes a small run of shops where the character is more mixed. Consequently, the reasons given for discounting those sites is not convincing and I cannot be sufficiently certain that less harmful alternative sites do not exist. Furthermore, the extent of the target area is unclear not having been robustly defined.
9. I recognise the importance of good, fast, reliable and cost-effective communications and the support for high quality communications infrastructure within the Framework. Nevertheless, I conclude that the harm from the siting and appearance of the proposed installation on the character and appearance of the area and the outlook from nearby houses, would not be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Conclusion

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

Rachel Hall

INSPECTOR