



Appeal Decision

Site visit made on 24 May 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2022

Appeal Ref: APP/P4605/W/21/3281991

Alcester Road South Streetworks, Alcester Road South, Brandwood End, Birmingham B14 6EN

- 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 2021/04545/PA, dated 18 May 2021, was refused by notice dated 12 July 2021.
 - The development proposed is described as 'a 15 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development in the heading above, the appellant states that reference to the transmission dishes was in error and should be omitted. However the description above matches that used on the Council's decision notice. In the interests of transparency I have determined the appeal on the same basis, albeit with reference to the proposed site elevation plan (Ref 265 revision B).
3. The Council adopted the Development Management in Birmingham Development Plan Document (the DPD) on 7 December 2021, after this appeal was submitted. The appellant made reference to draft Policy DM16 of the DPD in their appeal statement and this policy was subsequently adopted without any notable amendments. Saved policies 8.55 to 8.55C of the Birmingham Unitary Development Plan (2005) were superseded on adoption of the DPD.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 the opportunity to comment at appeal.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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.

5. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require regard be had to the development plan. Consequently, I have taken it into account as a material consideration but only insofar as the policies relate to matters of siting and appearance.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the living conditions of the occupants of Nos 306 - 310 Alcester Road South with regard to outlook, 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

7. The appeal site is bound on two sides by Alcester Road South and Wynfield Gardens. An informal footpath cuts diagonally across the rear of this grassed area and it contains a number of trees, some of which are protected by a tree preservation order. It has an open, informal character without any fencing or railings on its roadside boundaries. Although there is agreement between the main parties that the site is not high quality open space in policy terms, it nonetheless provides a welcome area of green alongside a busy route through the city. The site is close to commercial uses, however the adjacent trees largely screen these from view on approach from the south. Therefore it reads as part of a residential area.
8. Longer distance views of the proposed monopole would be relatively limited and the proposed colour would help it to blend in with adjacent trees in some views. However, it would be noticeably taller than these trees. The existing lamppost adjacent to the appeal site comprises a slim post that is narrowest at the top. In contrast, and noting the comparative pole widths provided, the proposed antenna would give the proposal a considerably bulkier appearance and would be noticeably taller than the lamppost. It would consequently appear unduly prominent and visually intrusive, at odds with the residential character of the area and detracting from the pleasant, informal and open character of the existing site.
9. Nos 306 – 310 Alcester Road South have varying degrees of soft landscaping along their front boundaries but with relatively clear views of the appeal scheme from first floor windows. In addition, Nos 306 and 308 would have some visibility from their ground floor front facing windows. Houses on Wynfield Gardens are of a modest two storey scale with relatively low level garden landscaping. As such, occupants of Nos 306 – 310 would likely have relatively clear views of the proposal. However, given the degree of setback from these houses, visibility of the proposal would not be so oppressive as to harm their living conditions with respect to outlook. Nevertheless, for the reasons give above, the mast would detract from the character and appearance of the area.
10. I note the alternative locations considered by the appellant and reasons given for discounting each of those. Given the harm I have identified to character and appearance, alternatives must be robustly explored to determine the likelihood of there being less harmful alternatives to the appeal scheme.

11. One such alternative is the site of the existing OLO mast on Lions Building (Ref D9). Although it is stated that there is insufficient space to accommodate an additional mast, the evidence indicates that there may be potential for it to be upgraded to accommodate both the existing operator's requirements and that of the appellant. Whilst that might involve a less slimline design and/or increased height, the location of the existing mast on the rear elevation of the building limits its visibility from surrounding roads and the extent to which it impacts on the character of the building. Therefore, without clear and convincing evidence to the contrary it appears that upgrading the facility at this site might offer a realistic and less harmful alternative to the appeal scheme.
12. I recognise the importance of good, fast, reliable and cost-effective communications and the support for high quality communications infrastructure within the Framework. I note the limitations on 4G coverage in the locality and the constrained cell search area with respect to 5G. Nevertheless, I conclude that the harm from the siting and appearance of the proposed installation on the character and appearance of the area would not be outweighed by the need for the installation to be sited as proposed, taking into account the potential for suitable alternatives.

Conclusion

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

Rachel Hall

INSPECTOR