



Appeal Decision

Site visit made on 8 June 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2022

Appeal Ref: APP/Z0116/W/22/3292662

Land at the junction of Broad Walk and Salcombe Road, Knowle, Bristol BS4 2RY

- 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 MBNL (EE (UK) Ltd and H3G (UK) Ltd) against the decision of Bristol City Council.
 - The application Ref 21/03467/Y, dated 24 June 2021, was refused by notice dated 13 August 2021.
 - The development proposed is the installation of an 18 metre high monopole supporting 12 no. antenna apertures and 2 no. transmission dishes, the installation 7 no. equipment cabinets and development ancillary thereto
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority, and therefore the Secretary of State, 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.
3. The principle of the proposed development is established by the provisions of the order. I have had regard to the policies of the development plan, only in so far as they are a material consideration that are relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance on the character and appearance of the area, and if any harm is identified, whether it would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

Character and Appearance

5. Broad Walk is a long and wide tree lined road within a residential area. The area comprises largely 2 storey semi-detached residential dwellings fronting the

road, set behind a mix of generous front gardens and driveways, which are open with low front boundary walls. The appeal site is part of the grass verge on the western end of Broad Walk. The highway verge is wide and includes a footway, modern street lighting, low-level highway signs, grass verges and evenly spaced mature deciduous street trees. The uniformity and openness of the built form, together with the generous highway verge and landscaping contributes positively to the character and appearance of the area.

6. The proposed development would be within an area that would be highly visible along the western end of Broad Walk, and the edges of the adjacent roundabout. While the monopole, antenna and dishes have a slim design, the 18m height would nevertheless contrast with the open frontages and low level residential built form. I am also conscious that the proposed development would be appreciably higher and wider than any of the structures with a vertical emphasis, such as the highway signs, telegraph poles and street lighting.
7. The proposed development would be situated on a section of grass verge with two street trees. Both trees are immature, but the more established tree is approximately 4.5-5m in height. This low height would contrast with the tall and wide monopole and antenna, while the canopy's small size provides only limited screening of the development. The proposal is also likely to project above the more mature street trees situated on the opposite highway verge and further up the road. The position and distance of these trees from the proposal would limit any meaningful screening to the long-range views from the eastern end of Broad Walk. Furthermore, during prolonged periods of the year when the trees are not in leaf, the prominence and impact of the proposed development would be exacerbated.
8. A condition to finish the proposed development in green would not sufficiently ameliorate the impact. The nearest built form is a mixture of red brick and render, with lighting columns and telegraph poles finished in black and dark brown respectively. Furthermore, the proposal is such a height that it would be above the trees and the low-lying built form, meeting the skyline. Against this background, and particularly when the trees are not in leaf, the green finish would not satisfactorily integrate the development into the area.
9. The nearest tree is immature, however, due to its proximity and potential growth, there is a reasonable likelihood that the proposed development would impact on the tree, either during construction or by restricting the spread of the canopy. Despite the appellants' indicating that no trees would be removed, due to the limited evidence before me, I am unable to determine if the nearest tree to the proposed development would be adversely affected by the development.
10. Consequently, the appellants have failed to demonstrate that the proposed development would not have an unacceptable impact on the nearest tree. The loss of the tree in this location would not only limit any potential softening of the proposed development, but also impact upon the uniformity of the planted street trees.
11. Accordingly, having regard to its siting and appearance, the proposed development would adversely affect the character and appearance of the area. Insofar as they are a material consideration, the proposal would also be contrary to the aims of Policies BCS9 and BCS21 of the Bristol Development Framework Core Strategy 2011 as well as Policies DM17, DM26 and DM36 of the Bristol Site Allocations and Development Management 2014. Amongst other

things, these policies seek to ensure development is high quality in design, protects the character and distinctiveness of the locality as well as integrating and retaining existing green infrastructure, such as trees.

Alternative Sites

12. The proposed development is needed to replace lost coverage from two decommissioned telecommunication sites. The appellant indicates that the loss of the sites has resulted in a severe lack of coverage within the immediate area that amounts to an ongoing emergency situation. The Council does not dispute a need for the equipment but is concerned the proposed development was not accompanied by robust justification or firm evidence as to why other sites are not considered to be appropriate.
13. The need for this installation weighs in favour of the appeal, however, the search area for the proposed development is not clearly specified within the supporting information. Although the evidence indicates that a search area was identified by network planners to meet the technical requirements needed, no map or specific search area has been identified.
14. There is a list of 8 alternative sites that have been identified within the 'Supplementary Information' document. However, the reasons set out for discounting the sites are vague and unsubstantiated. For example, two sites were discounted for being outside the search area. As there is no explanation as to why sites were being considered when they are outside the search area, the list of alternative sites appears less considered and lacking substance. Furthermore, an allotment site was discounted because a taller, more intrusive structure would be required on lower ground. However, just because a structure is taller does not in itself make a development more intrusive, especially if positioned in a more discrete location. As such, the reason behind discounting this site appears vague and potentially misplaced.
15. I am not, therefore, in a position to fully review the appellants' conclusion that no alternative sites are available. Accordingly, I am unable to confirm that other locations, such as those alongside the highway, on existing buildings or away from residential areas, have been fully considered.

Other Matters

16. I have had regard to the other appeal decisions brought to my attention by the appellants¹, in which harm to appearance was outweighed by the public benefits of the schemes. Although I acknowledge that the benefits of telecommunications infrastructure apply in most cases, the context and impact of the proposed development would be different. As the examples put forward are in a different context and have a different siting and appearance, they are not directly comparable. As such, I gave the examples limited weight in my determination.

Conclusion

17. I note the support in the Framework for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. Also, the benefits that

¹ APP/K3605/W/19/3243927, APP/N5090/W/20/3250662, APP/E5900/W/21/3272180, APP/A1910/C/20/3256772, APP/A1910/C/20/3256773

modern telecommunications give to emergency services within the area, and its importance for home working during the recent pandemic. Nevertheless, I must balance this against the requirement for equipment to be sympathetically designed and sited. In this case, the considerable benefits do not outweigh the substantial harm to the character and appearance of the area. The appeal should therefore be dismissed.

M. P. Howell

INSPECTOR