



Appeal Decision

Site visit made on 14 June 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2022

Appeal Ref: APP/V4630/W/21/3289694

Land at Chester Road, Streetly, Walsall B74 3PT

- 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 Walsall Council.
 - The application Ref 21/0763, dated 14 May 2021, was refused by notice dated 1 July 2021.
 - The development proposed is described as "the installation of a 18 metre phase 8 pole with wrap around cabinet built around the base, 6no. new equipment cabinets and ancillary development thereto."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my site visit I observed that a monopole mast has been constructed on site. However, as I cannot be certain that what has been built is fully in accordance with the plans before me, I have assessed the development as shown on the plans (and therefore referred to the 'development proposed' throughout this decision). Any discrepancy between the plans and what is built is for the main parties to resolve as necessary.

Main Issues

3. Within the terms set by legislation, the main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of nearby residential occupiers, with regards to outlook.

Reasons

Character and Appearance

4. The appeal site is part of a grass verge located on the corner of Manor Road and Chester Road signalised junction. On the rear boundary of the grass verge is a picket fence and a tall row of mature trees and hedge cover, which separates the appeal site from the front gardens of two semi-detached properties located behind the site.

5. The grass verge contains some existing equipment cabinets and vertical objects, albeit there is not significant visual clutter here and the corner is largely open.
6. The proposed monopole mast which would be sited to the rear of the grass verge would not visually integrate with the backdrop of green foliage due to its notably greater height and contrasting grey colour. It would appear higher than the trees and the two-storey dwellings behind it, appearing as a stark, incongruous structure within the street-scene. In addition, it would appear significantly taller than the low-rise residential dwellings in the wider street-scene in this section of Manor Road. Therefore, it would appear unduly visually prominent.
7. I acknowledge that the proposed monopole could be finished in a different colour more appropriate to its location and has been designed in accordance with the code of best practice for communications network. However, this would not overcome the visual impacts arising from the height, visible distinct antenna headframe design, and siting of the structure in relation to the low-rise neighbouring residential properties.
8. I observed on my site visit that the existing monopole mast, which is to be replaced by the proposal, appears located further away from the junction in a less prominent position with a backdrop of the small shopping parade units and customer car parking area.
9. I also saw a monopole mast opposite the Nissan garage and fronting the Chester Road. These existing masts are also located near to other vertical structures, such as street lighting and telegraph poles, unlike the less cluttered grass verge of the appeal site. Due to their predominantly commercial environment, the existing monopole masts are less visually intrusive in the context of these surroundings than the proposal before me would be.
10. The proposed equipment cabinets would not be overly prominent within the street-scene, due to their low height, small scale, and similar design to the existing cabinets. As such, I do not find that they would demonstrably harm the character and appearance of the area. However, this lack of harm would not outweigh the harm that would result from the proposed monopole mast.
11. For the reasons given above, the proposal would harm the character and appearance of the area and would fail to accord with the design objectives of the National Planning Policy Framework (Framework). In addition, the proposal would conflict with saved policies ENV32 and ENV38 of the Walsall Unitary Development Plan (2005). These policies, in summary and amongst other things, seek to ensure development respects the site's context and surroundings, and proposals for telecommunications equipment do not have a significant detrimental impact on the visual amenity of the area.

Living Conditions

12. The appeal site is located next to No 91 Manor Road. The proposed monopole mast would be positioned to the rear of the grass verge. Given the hedging and trees bounding the appeal site, only upper views of the mast would be seen from No 91. Although the tree heights vary, the proposed mast would rise considerably above the height of the trees.

13. To some extent interconnected with my reasoning in the first main issue, aside from natural features there is little skyline clutter in this area. Properties tend to benefit with good levels of outlook, unimpeded towards the sky. There is a relaxed, spacious feel. No 91 is set in that context. Views from it are generally open, and therefore consistent with those of its neighbours.
14. Set against that the proposed pole would be very close to the property, fractionally beyond its front garden. I was unable to identify similar inter-relationships between street furniture and other properties during my site visit. I saw how the pole would be square on to the property rather than at an oblique angle, and therefore directly in a natural line of sight outwards. As a consequence of the specific nature of the proposal and its surrounding context, it would have a harmful impact on the outlook for the occupiers of No 91 from both their front garden and the habitable rooms fronting onto the proposed development. Such effects would be exacerbated if, for whatever reason, tree natural reduces in time.
15. Based on the evidence before me, there is nothing to indicate that the trees/hedgerow are protected by a tree preservation order or are located within a protected area. I also noted that the trees/hedgerow boundary is on third party land and therefore not within the ownership of the appellant or the Council. Therefore, it would be difficult for the Council to ensure its long-term protection.
16. For the reasons given above, the proposal would unacceptably harm the outlook for occupiers of No 91. As such, the proposal would fail to accord with paragraph 130 of the Framework, which seeks a high standard of amenity for existing and future users. In addition, the proposal would conflict with saved policies GP2 and ENV38 of the Walsall Unitary Development Plan (2005). These policies, amongst other things, seek to ensure that development does not have an unacceptable impact on the living conditions of nearby residential occupiers.

Other Matters

17. Although the proposal would improve telecommunications services in line with the Government's aspiration to provide universal 5G coverage, and the West Midlands Industrial Strategy which supports the development and roll-out of 5G across the West Midlands. However, it has not been robustly demonstrated that similar benefits could not be achieved via an alternative and less harmful approach.
18. I have had regard to the other benefits of the proposal as advanced by the appellant including how the proposal would support economic growth and social well-being in the local area, increase delivery of healthcare provision online, reduce the need to travel and enable more people to work from home. However, these are all benefits potentially true in theory, articulated in general NPPF provisions supportive of mobile telecommunications coverage rather than factors that would alter the balance in this particular instance.
19. My attention has been drawn to a number of appeal decisions. However, I do not have the full circumstances of each case. The decisions either pre-date the Framework (2021) or relate to different telecommunications equipment. In any event, they relate to each site's context and would be relative to the paucity of alternatives in that particular area. I have therefore determined this appeal on its own merits.

20. Several sites have been considered by the appellant prior to the appeal site being selected. These sites have all been discounted by the appellant in terms of visual and residential amenity, other planning issues, and the technical suitability of each site. However, that evidence is brief and not readily interrogatable. Similar issues as formed the basis for discounting other sites appear to be present here. There is furthermore no clear quantification of the specific improvements to covering this particular proposal that would relate to any cell size or existing levels of coverage hereabouts.
21. Consequently, no other matters alter the foregoing reasoning that the development proposed would be unacceptable. Nevertheless, these matters do not outweigh my view that the proposal's siting and appearance would result in an incongruous and dominant feature in the street-scene that would be harmful to the character and appearance of the area.

Conclusion

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

Helen Smith

INSPECTOR