



Appeal Decision

Site visit made on 28 September 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/P4605/W/22/3299281

BHM19749 - Stratford Road Street Furniture, Stratford Road, Sparkhill, Birmingham B11 4AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Birmingham City Council.
 - The application Ref 2021/10203/PA, dated 1 December 2021, was refused by notice dated 21 January 2022.
 - The development proposed is the installation of a 15 metre high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 15 metre high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto at BHM19749 - Stratford Road Street Furniture, Stratford Road, Sparkhill, Birmingham B11 4AR, in accordance with the terms of the application Ref 2021/10203/PA, dated 1 December 2021, and the plans submitted with it.

Preliminary Matters

2. The site address in the header and decision above comes from the Council's decision notice rather than the application form. I have used it as the reference to Sparkhill more accurately describes the location of the site.
3. As this is an application for prior approval, the provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its siting and appearance. This appeal has been determined on the same basis. 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 consideration of the development plan. I have had regard to the policies of the development plan, related guidance and the National Planning Policy Framework (the Framework) only in so far as they are factors relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

5. The proposed development would be on a pavement on a busy urban road and on the edge of Sparkhill Park. Residential, commercial and other buildings adjoin the park and lie on the opposite side of the road. The street scene also includes mature trees on the pavement and within the park as well as features such as lamp posts, traffic lights and road signs. These include tall lamp posts close to the site of the proposed development, on both the same and opposite sides of the road.
6. By virtue of its height and position, the monopole would be seen from a fair distance in both directions along Stratford Road as well as from nearby properties. However, in most medium and long distance views, it would be screened to a degree by trees on the pavement. Even in times of leaf-fall, the branches of roadside trees would partly conceal the monopole.
7. Also, in most views the lower part of the column would be seen against a backdrop of nearby trees with only the uppermost element seen against the sky. In these regards, the monopole would be similar to the lamp posts which are also tall features that stand out against the skyline. The appeal plans indicate that the monopole would be higher and slightly wider than the lamp posts and it would be different in appearance with a cluster of antennas at the top. Nevertheless, in many views it would be seen with other tall items of street furniture and so it would not appear incongruous.
8. From many parts of the park, trees would screen or filter views of the monopole. Again, where visible from the park, the topmost element of the column would be seen against the sky. However, in these regards it would be similar to the lamp posts along the road and the nearby floodlights in the park itself. As such, the development would not stand out as being particularly unusual to users of the park and it would cause no unacceptable detriment to its attractiveness.
9. The Council's Telecommunications Development: Mobile Phone Infrastructure Supplementary Planning Document 2008 (the SPD) highlights that masts are most prominent when viewed against the skyline and open land. The appellant also acknowledges that the development would have a visual effect on the street scene. Even so, it does not follow that the proposal would be harmful to the character and appearance of the area. Given the clear urban context with tall trees and lamp posts nearby, the monopole would not be inappropriate or unsympathetic to the street scene.
10. The Council raises no concerns with the equipment cabinets and other proposed ancillary works. These would be low key and in keeping with the urban roadside location where such features are common.
11. The Framework advises that the number of communication masts should be kept to a minimum consistent with the needs of consumers and the efficient operation of the network. The appellant has explained that the proposed development would help increase signal coverage and capacity to a densely populated area. No mast sharing opportunities have been identified or are obvious. As such, the evidence suggests there is a need for a new monopole.
12. In any event, for the above reasons, I conclude the siting and appearance of the proposal would cause no harm to the character and appearance of the

area. In these regards, it would accord with policy PG3 of the Birmingham Development Plan 2017 and policy DM16 of the Development Management in Birmingham Development Plan Document 2021, insofar as these are determinative on the issue.

Other Matter

13. Reference is made to the nearby Sparkhill Public Bath and Sparkhill Public Library buildings, which are identified as being of local heritage importance. The development would be set away from these buildings with intervening trees and so there would be no significant intervisibility. Like the Council, I am content the development would not meaningfully affect the setting nor the significance of these heritage assets.

Conditions and Conclusion

14. There is no authority in this type of case to apply any conditions beyond those as set out in the relevant part of the GPDO. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
15. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Jonathan Edwards

INSPECTOR