



Appeal Decision

Site visit made on 13 September 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2022

Appeal Ref: APP/Z0116/W/22/3295235

Two Mile Hill Road, Speedwell, Bristol BS15 1BB

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Bristol City Council.
 - The application Ref 21/04698/Y, dated 24 August 2021, was refused by notice dated 21 October 2021.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works, at Two Mile Hill Road, Speedwell, Bristol BS15 1BB in accordance with the terms of the application, Ref 21/04698/Y, dated 24 August 2021, and the drawings submitted with it, reference BRC17680 issue B - 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Elevation A; 210 Proposed Site Plan; 260 Proposed Elevation.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.
3. The Council has referred to development plan policies in its decision. However, the principle of development is established by the GPDO 2015 and Part 16, Class A does not require regard to be had to the development plan. I have had regard to development plan policies and the National Planning Policy Framework (the Framework), only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

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

Reasons

5. The proposal would result in a 15m high monopole and associated equipment cabinets being located at the back of a wide pavement. The site is directly in front of an open parking area used by a car sales business. To one side, close to the site, is a 3 storey building in residential use. To the other side of the parking area is a 4 storey building in residential use. Opposite the site are 2 storey terraces, primarily in residential use.
6. There are several streetlights in the immediate area, which are of a significant height, similar to the height of the 4 storey building. There are also pole mounted floodlights and flag poles at the car business, adjacent to the pavement. Therefore, vertical structures are common in the street scene. The monopole would be greater in height and thickness than the existing vertical structures but given the surrounding context would not appear disproportionate or incongruous. The monopole would break the skyline from certain perspectives. However, I observed that the existing streetlights also break the skyline so the monopole would not be unduly harmful in this regard.
7. When travelling along the road from the west, longer views of the proposal would be restricted by a bend in the road and from closer perspectives it would be viewed against the backdrop of the mostly blank side elevation of the 4 storey building. When travelling along the road from the east, longer views of the proposal would be restricted by a street tree and from closer perspectives it would be viewed against the backdrop of the side elevation of the 3 storey building and mature trees beyond that. Consequently, the proposal would not be overly prominent in the streetscene.
8. The cabinets would be of a modest scale and located adjacent to existing railings. There is also a bus stop and fixed bin nearby so the presence of features within the footway would not be uncommon. Viewed within this context the cabinets would not appear out of keeping and would be viewed in association with the existing street furniture. The distance between the cabinets and the bus stop would be sufficient to avoid the area appearing overly cluttered.
9. The monopole would be visible from neighbouring properties. However, the impact on visual amenity would be reduced by the angle of viewing from the closest dwellings, the separation distance, and the fact that much of the monopole would be above the direct line of sight from windows.
10. In conclusion, the proposal would not appear overly prominent or visually intrusive and would not cause harm to the character and appearance of the area. Consequently, the siting and appearance would be acceptable.

Other Matters

11. As I have found that the siting and appearance of the proposed development are acceptable, I am not required to consider if there are any suitable alternative sites. Notwithstanding this, the appellant has set out the need for the proposal to fill a gap in coverage. The Government's support for such proposals is clear with the Framework establishing that decisions should support the expansion of electronic communication networks including next generation mobile technology such as 5G. The Framework also states that

decision makers should not question the need for an electronic communications system.

12. Concerns have been raised about potential effects on health and these have been taken into account in the context of the Framework. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
13. Whether the ICNIRP guidelines are out of date or not, the consultation process at application stage, property prices and legal liability are all outside of the scope of this appeal and are not matters that affect my findings on the main issue. Concerns have also been raised about the lack of need for and sustainability of 5G and potential impacts on flora and fauna. No substantive evidence has been provided to support these concerns.
14. While I acknowledge that there would be various social and economic benefits, the GPDO is clear that the only considerations should be the siting and appearance of the proposal. Therefore, the potential wider benefits have not been taken into account.
15. I note reference made to a dismissed appeal at Stockwood Precinct. In that appeal, the inspector found the proposal to be harmful so needed to consider if there were suitable alternative sites. That is not the case here.

Conditions

16. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). This specifies that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application and must begin no later than the expiration of 5 years beginning with the date on which the local planning authority received the application. It also specifies that the development must 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.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed and prior approval should be granted.

Helen Davies

INSPECTOR