



Appeal Decision

Site visit made on 21 September 2022

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

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022

Appeal Ref: APP/Z0116/W/22/3299279

Outside St Bedes School House, Lawrence Weston Road, Bristol BS11 0ST

- 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 Bristol City Council.
 - The application Ref 21/05674/Y, dated 17 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address from the Council Decision Notice as it provides a more accurate description than that outlined on the Appeal Form and the original planning application form.
3. 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.
4. 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 and the National Planning Policy Framework (the Framework), only in so far as they are a material consideration that are relevant to matters of siting and appearance.
5. I acknowledge that the appellant considers the proposed ancillary cabinets on their own as being within a size limits to be considered permitted development, and hence could be carried out on site without prior approval. However, this is not for me to determine as part of the appeal. I have assessed the scheme based on the description of the development and the plans submitted, which for clarity, includes the proposed monopole, wrap around cabinet and ancillary equipment indicated on the proposed plans.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, 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

Character and Appearance

7. The appeal site is located on Lawrence Western Road, which is a wide, straight road within a predominately residential area. The one side of this section of Lawrence Western Road includes St Bede's Catholic College and St Bedes School House, which is a series of two storey flat roof school buildings and a detached two storey pitched roof residential property. The school is set back behind a car park, with the school house being behind a garden. Both are enclosed by mid-sized high railings with an open design. Two blocks of 2 storey terraced residential dwellings front the road on the other side, which are punctuated by junctions to Aylminton Walk and Atwood Drive. The dwellings are also set back behind a mixture of small front gardens and driveways, which are open with low front boundary walls and fences.
8. The appeal site is part of the footway close to the Bede's School House and opposite the junction with Aylminton Walk. The footway on this side is wide, mostly hard surfaced, with minimal modern street lighting, bins and trees. On the residential side of the road the grass verges are generous, particularly on the corner where they are complemented by mature deciduous street trees. As such, the area is relatively open with the surrounding built form being generally 2 storey, which together with the landscaped corners results in an open and green character and appearance of the area.
9. The proposed development would be within a central area that would be highly visible along this section of Lawrence Western Road. Although the proposed development would have a slim design, the 15m height would still be noticeably higher than the tallest flat roof school building. It would significantly contrast with the low lying and open frontages and low-level residential dwellings on the college side and opposite. I am also conscious that the proposed development would be on a footway with very few structures with a vertical emphasis, such as highway signs and street lighting. Furthermore, of those that exist, the proposed development would still be appreciably higher and wider than the structures with a vertical emphasis. As such, the proposed development would appear incongruous within the open street scene, impacting upon the character and appearance of the area.
10. The proposed development would be situated on a section of footway where the nearest tree would be within the private garden of the school house. The tree is immature and approximately 4m in height. This low height would contrast with the tall and wide monopole and antenna, while the small size of the canopy provides only limited screening of the development.
11. The proposal is also likely to project above the more mature street trees situated on the opposite side of the highway, near the junction with Aylminton Walk. The position and distance of these trees from the proposal would limit any meaningful screening of mid to long range views from the junction with Long Cross and the

northern end of Lawrence Western Road. 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, particularly from wider views on Aylminton Walk.

12. A condition to finish the proposed development in grey would not sufficiently ameliorate the impact. The trees provide a verdant setting, and the nearest built form is a mixture of brown/reddish cladding and light brown brick. Lighting columns and telegraph poles are finished in black and dark brown respectively. Although finishing the monopole and cabinets in a colour such as grey could provide some softening, it would not alter the fundamental issue of its scale height and siting in this context. Set within a relatively open area with predominantly low-lying built form and against the greenery of the trees, the grey finish would fail to integrate the development into the area.
13. 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 Policy BCS21 of the Bristol Development Framework Core Strategy 2011 as well as Policies DM26, DM27 and DM36 of the Bristol Site Allocations and Development Management 2014. Amongst other things, these policies seek to ensure that all development is high quality in design, protects the character and distinctiveness of the locality. Telecommunications equipment and installation should respect the character and appearance of the area and would not be harmful to visual amenity by reason of its siting and design.

Alternative Sites

14. There is no dispute that the proposal is needed to improve 5G connectivity in the area. I have no reason to disagree with this. I recognise that the 5G cell search area is constrained, and that the area is largely a dense residential area. The appellant has provided a map detailing 10 discounted options. However, all of the discounted options appear to be locations at street level, and there is limited evidence before me that indicates existing buildings within the locality have been investigated and the reasons for discounting them. Although I appreciate that a large proportion of the buildings within the cell search area are residential buildings, there are commercial buildings, as well as more vertical emphasised three storey blocks of flats that exist within the locality.
15. Furthermore, the reasons set out for discounting the ten alternative sites are vague and unsubstantiated. For example, three sites were discounted on Lawrence Western Road within close proximity of the appeal site. Option 1 and 2, which appear to be positioned in a more discrete location away from the housing, and closer to the allotments and commercial uses were discounted from a build perspective. The other was discounted due to the proximity of residential properties. The proximity to residential properties is also the reason for another three of the ten options. There is no clear explanation as to why it is not possible from a build perspective to propose option 1 or 2, or why the proximity of the four other sites to residential properties meant they were excluded. As such, the list of alternative sites appears vague and lacking substance.
16. I am not, therefore, in a position to fully review the appellants' conclusion that no alternative sites are available, contrary to the policy objectives set out in section 10 of the Framework. Accordingly, I am unable to confirm that other locations,

such as those alongside the highway, on existing buildings or away from residential area have been fully considered.

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. These benefits increase consumer value through improved connectivity, driving consumer and business innovation through devices and services, new internet of things (IoT) solutions and smarter infrastructure and public services. 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.

18. The appeal should therefore be dismissed.

M. P. Howell

INSPECTOR