



Appeal Decision

Site visit made on 13 September 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/Z0116/W/22/3295404

St. Edyth's Church, Avonleaze, Sea Mills, Bristol BS9 2HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Net on behalf Cornerstone against the decision of Bristol City Council.
 - The application Ref 21/05681/F, dated 22 October 2021, was refused by notice dated 19 January 2022.
 - The development proposed is the replacement and relocation of the existing 6 No. face mounted antennas, the installation of 2 No. additional face mounted antennas painted to match the stonework and the installation of 1 No. GPS node to be installed behind the parapet and associated development thereto.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The proposal subject to this appeal is a revised scheme following the refusal of a previous application. I have assessed this proposal on its own merits rather than by comparison to any previous scheme.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the surrounding area, with particular regard to the extent to which it would preserve or enhance the character or appearance of the Sea Mills Conservation Area and the locally important heritage asset of St. Edyth's Church.

Reasons

4. St. Edyth's Church is located in a predominantly residential area, adjacent to a doctor's surgery and a school. It is within the Sea Mills Conservation Area, the significance of which relates to being an intact example of a planned garden suburb. St. Edyth's Church is one of the most distinctive buildings in the Conservation Area. It is recognised in The Sea Mills Character Appraisal and Management Proposals (2011) (SMCAMP) as a locally important heritage asset, being a building of individual merit and a landmark building. The stone tower is the most prominent element of the church, clearly visible on the skyline and features in many views, both distant and local. It is a defining architectural feature and much taller than the surrounding buildings. It provides a focal point for one of the garden suburb's secondary centres and is a terminal feature at the end of St. Edyth's Road. The SMCAMP identifies such terminal features as

one of the defining elements of the Conservation Area. The quality and importance of key buildings, including St. Edyth's Church, is noted as a strength of this part of the Conservation Area. Therefore, St. Edyth's Church, and in particular its prominent tower, makes an important contribution to the character and appearance of the area and is an important element of the significance of the Conservation Area as a whole.

5. There are currently 6 face mounted antennas on 3 sides of the tower. The proposal would remove these and install 8 face mounted antennas on 4 sides of the tower. A GPS node would also be installed, but due to its size and location, it would not result in visual harm. The antennas would be lower on the tower than the existing. They would be larger and project further out from the face of the tower, albeit modestly. The combination of the size and projection would result in the antennas being bulky and incongruous additions.
6. The tower has a number of distinctive architectural features and detailing, including the projecting stone line around the tower near the top and the projecting stonework at each corner. The proposed siting of the antennas, below but adjacent to the stone line and off-set from the stonework at the corners, would disrupt these distinctive horizontal and vertical features. As such, the antennas would be unsympathetically sited small-scale additions, which are recognised as a specific threat to local character and appearance in the SMCAMP.
7. Due to the topography and surrounding built form, the parts of the tower where the antennas would be located are visible from longer views. Whilst the antennas themselves would not break the skyline, the tower on which they would be sited does. The antennas would be clearly visible from the streets around the church, despite trees providing some intermittent screening. The proposal would add two antennas to a side of the tower which currently has no antennas. While trees would screen this from some close perspectives, the top of this side of the tower is highly visible when travelling towards the church along St. Edyth's Road and is an important terminal view as recognised in the SMCAMP.
8. Painting the antennas to resemble stone would reduce their visual impact to an extent. Despite this, the antennas would still be highly visible, particularly from surrounding streets, and the siting and projection would still disrupt the architectural features of the tower.
9. Taken together, the size, projection, siting and high level of visibility means that the antennas would be a prominent and incongruous addition to the tower, causing unacceptable harm to the character and appearance of the building and the surrounding area. The proposed development would be an insensitive addition that would fail to preserve or enhance the character or appearance of the Sea Mills Conservation Area or the locally important heritage asset of St. Edyth's Church.
10. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The National Planning Policy Framework (the Framework) states that harm to the significance of a heritage asset might be defined as 'substantial' or 'less than substantial'. Planning Practice Guidance advises that in general terms, substantial harm is a high test and that harm resulting from modest or minor development is likely to be less than substantial.

11. In finding harm to the Sea Mills Conservation Area, due to the modest scale of the proposal, I would quantify the harm as 'less than substantial'. Nonetheless, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, so I must attach considerable importance and substantial weight to the identified harm.
12. The Framework requires that where less than substantial harm to the significance of a heritage asset is found, the harm should be weighed against any public benefits of the proposal. The Framework also states that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communication networks, including next generation mobile technology. The proposal would improve local levels of connectivity and increase reliability and capacity, in a densely populated area with no current 5G coverage. This public benefit and its contribution to sustainability and economic prosperity is a material planning consideration that weighs in favour of the proposal.
13. I acknowledge that the appellant has followed best practice in seeking to upgrade an existing site as a first option and that the search area is constrained. However, Policy DM36 of the Bristol Site Allocations and Development Management Policies Local Plan 2014 (SADMP) requires developers to ensure there are no suitable alternative sites for telecommunications development available in the locality. I have considered the information provided on discounted alternative sites. Some have been discounted on a technical basis such as insufficient building height or interference with other sites and I have no reason to question this.
14. Other options, including some suggested by the Council, have been discounted because the appellant states they would have a greater impact on the Conservation Area and would be unlikely to secure approval. The planning history of the area has been considered and information provided on the refusal of an application nearby relating to a monopole¹. From this the appellant seems to conclude that no monopole or street works applications in the area would be approved. However, I note that the refused application was for prior approval, not planning permission, and the monopole was proposed to be located in a prominent position at the heart of Sea Mills Square. This is the formal centrepiece of the Garden Suburb, so the harmful impact on the Conservation Area would have been greater than for most other locations.
15. I have been presented with no substantive information to indicate that the specific alternative locations suggested by the Council, or other sites discounted by the appellant, have been fully considered under an application. I therefore have insufficient evidence to conclude that there are no suitable alternative sites available locally. Whilst case law² and policy does not require the site to be the least harmful site possible, given the harm identified and the requirement to conserve or enhance heritage assets, the potential availability of sites which would have a less harmful impact is a material consideration.
16. I acknowledge the benefits and the support for telecommunication improvements in planning policy and Government guidance. However, I am unconvinced that other sites, which could potentially provide the same benefits

¹ Application reference 21/02990/Y

² Supreme Court Case, First Secretary of State v Sainsbury's Supermarkets Limited [2007]

with lesser harm, have been fully explored. Therefore, I can afford these benefits only moderate weight.

17. I have also had regard to the fact that there are 6 existing antennas at the site and this number was higher in the past. However, these were granted permission under previous local and national policy and the proposed replacements are not like for like. In addition, the proposal would include antennas on a side of the tower which currently does not have them. Therefore, the previous and existing antennas carry only minimal weight in favour of the proposal.
18. I note reference made to another appeal decision³ in another Council area, full details of which are not before me. On the basis of the information provided, the context of that appeal was significantly different to this appeal. The building was modern, of a similar height to surrounding buildings, and visibility of the equipment would have been limited. I have determined this appeal on its own merits, circumstances and situation in accordance with the development plan for the area.
19. Taken together, the elements weighing in favour of the proposal would not provide clear and convincing justification, and do not outweigh the identified harm to the tower and the significance of the Sea Mills Conservation Area, to which I must give substantial weight.
20. I note the appellant's frustration at the Council approach to the application, and that there were fewer objections to this proposal than to a previous street works application. Notwithstanding this, I have dealt with the appeal on the basis of its planning merits.
21. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the host building and the surrounding area and would fail to preserve or enhance the character or appearance of the Sea Mills Conservation Area or the locally important heritage asset of St. Edyth's Church. As such, the proposed development would be contrary to Policies BCS21 and BSC22 of the Bristol Development Framework Core Strategy 2011 and Policies DM26, DM27, DM30, DM31 and DM36 of the SADMP. Together, amongst other things, these policies seek to ensure that development, including telecommunications, is well designed, respects the character and distinctiveness of the local area and conserves or enhances heritage assets and their setting. Furthermore, the proposed development would not accord with the Framework which seeks to secure well designed places and protect heritage assets.

Conclusion

22. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Helen Davies

INSPECTOR

³ APP/T0355/W/20/3246710