



Appeal Decision

Site visit made on 18 October 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/D4635/W/22/3300016

Amos Lane, Wood End, Wednesfield WV11 1LE

- 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 Wolverhampton City Council.
 - The application Ref 22/00030/TEL, dated 12 January 2022, was refused by notice dated 15 February 2022.
 - The development proposed is the installation of a 20m high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto.
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Decision

1. The appeal is dismissed.

Procedural Matters

3. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the '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 development is established by the GPDO, and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. 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 material considerations relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area, having regard to the effect on the setting of the locally listed Red Lion public house (the Red Lion), a non-designated heritage asset.

Reasons

6. Telecommunications technology has evolved over the years and people are using and demanding more of their mobile phones and other wireless technology. The Framework is a material consideration and recognises the importance of advanced, high quality and reliable communications infrastructure to economic growth and social wellbeing. Mobile operators must

continually invest in their network to keep pace with ever-increasing demands. Due to higher frequencies used in 5G technology the cell areas tend to be smaller. Consequently, base stations need to be situated within close proximity of the area they are designed to cover. The intended target/search area in this case is small, about 150m from the nominal or ideal location at the junction of Amos Lane and Amos Avenue.

7. Whilst telecommunication installations are not uncommon features in suburban areas, each needs to be assessed against the particular site context and surroundings it is to be placed in. I appreciate that for technical reasons the monopole needs to be tall enough to clear buildings and trees and robust enough to take the necessary antennae and infrastructure.
8. The appeal site comprises a grassed verge on one of the outer edges of the roundabout at the junction of Amos Lane and Lower Prestwood Road. Although there is a row of shops on the opposite quadrant, the area is predominantly residential and buildings are generally two-storey. On the grass verge there is a mature tree and a lamppost, each approximately 10m in height. Despite these, the verge remains uncluttered and its simple verdant landscaping provides a spacious character that positively contributes to the character and appearance of the area.
9. The Red Lion is located behind the appeal site. It is a wide-fronted building, displaying a uniform design that is more imposing than surrounding buildings. I have not been provided with details of the locally listed building, but its significance would likely derive from its vernacular architectural and local historic interest as part of the social and economic development of the area. It is set back from the road and occupies an open frontage. This spacious and open setting reflects the importance and prominence the building had in the local area. Amos Lane, the pavement and verge form part of that spacious open setting, which contribute to the significance of the Red Lion.
10. The proposed 20m high monopole, with its various exposed antennas at the top, and alignment of four cabinets would be sited south of the lamppost and towards the front of the grass verge. Whilst there are lampposts, telegraph poles and a bus stop in the general vicinity of the site, they are not unduly prominent as to give the area a strong preponderance of vertical street furniture. The proposed installation would be considerably thicker. It would also be about twice the height of the tree, lamppost and Red Lion building. With the predominantly surrounding two-storey developments, the monopole would be a towering intrusion to the street scene, much of which would be viewed against the sky and on approach to the roundabout.
11. Due to its height, design and location, the monopole and its array of cabinets would appear visually intrusive, incongruous and overly dominant feature in the street scene that would significantly detract from the character and appearance of the area. Furthermore, sited close to the entrance of the car park to the Red Lion and within its visual frontage and setting, the monopole would be unduly overbearing and diminish the setting of the Red Lion.
12. The mature tree to the side provides only a limited backdrop from limited angles that would not sufficiently offset the harm caused to the character and appearance of the area. The impact of the cabinets would be lessened to some degree by their being coloured green to blend with the low hedge behind. However, due to its towering height above the tree and the monopole's lack of

screened background, a green colour would not offer enough disguise. Conditioning a different colour would not overcome the harm caused to the street scene and setting of the Red Lion.

13. Paragraph 203 of the Framework advises that the effect on the significance of a non-heritage asset should be taken into account and a balanced judgement made regarding the scale of the harm and the significance of the heritage asset.
14. The appellant advises there is a lack of taller buildings or rooftops or existing structures upon which to mount a mast, and they have kept away from schools and playing fields. Apart from the nominal site, two alternative sites are listed and both are on the outer edges of the same roundabout – to the north west near the shops and the other to the north east on the opposite side of Lower Prestwood Road. I saw on my visit a large, grassed area with trees further south along Amos Lane on the junction with Bellamy Lane, with space free from canopies. When the proposed monopole would be sited adjacent to a mature tree and its canopy, it is unclear if other sites such as this have been considered. I am not satisfied that a thorough enough review of possible site options within the search area has been conducted and find the submitted evidence lacks sufficient detail to demonstrate that the appeal site is the only viable option.
15. Accordingly the harm I have identified to the character and appearance of the area and to the setting of the local listed building is not outweighed by the needs for the installation to be sited in the proposed location.
16. I am aware that there would be some social and economic benefits from the installation, but the GPDO is clear that the potential wider benefits should not be taken into account when considering siting and appearance. The proposal would meet health safeguards and comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). This does not outweigh the harm I have identified.
17. In so far as it is relevant to siting and appearance, the proposal would conflict with Policies ENV2, ENV3 and CSP4 of the Black Country Core Strategy and saved Policies D4, D6, D7, D9, EP20, HE1 and HE19 of the Unitary Development Plan. These collectively seek, amongst other things, to ensure development is of a high quality, minimises visual impact, relates positively to the surrounding area, protects the historic environment, the setting of local listed buildings and local distinctiveness and there are no practical alternative telecommunications sites in less sensitive locations.

Conclusion

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

K. Stephens
INSPECTOR