



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/22/3298373

**Blaydon Road, Dovecotes Pendeford, Wolverhampton, West Midlands
WV9 5NW**

- 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 21/01682/TEL, dated 3 December 2021, was refused by notice dated 19 January 2022.
 - The development proposed is 5G telecoms installation: H3G Phase 8 18m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. 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.
3. 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 a material consideration relevant to matters of siting and appearance.

Main Issues

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. Telecommunications technology has evolved over the years and people are using and demanding more of their mobile phones and other wireless technology, and which was heightened during the Covid-19 Pandemic. 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 has a radius of about 100m centred over the Blaydon Road area.

6. The appeal site is located within a residential housing estate of predominately low-level 2-storey properties. It comprises a prominent wide oval raised roundabout of grassed open space adjacent to Blaydon Road, which is a main route through the estate and leads to the Pendeford Shopping Centre and supermarket. Buses drive round the grassed area to visit the two bus shelters located on the far side of it. There is an approximately 8m high street lighting column on the grass on the southern end of the roundabout. Apart from these peripheral features, the grassed area is undeveloped and free from structures and clutter. The open space gives a break in the alignment of built form along this stretch of Blaydon Road. As a result, the grassed roundabout gives this part of Blaydon Road a spacious character that positively contributes to the character and appearance of the area.
7. The proposed 18m high monopole would be sited approximately in the middle of the grassed area between Blaydon Road and the bus shelters. In addition to the wrap-around cabinet at the base of the monopole, a further 3 cabinets, some over 1.5m tall, would be aligned alongside it. A row of paving slabs would be installed in front of the cabinets and monopole.
8. I saw that the proposed monopole would be in line with some rear first floor windows of nearby properties. In a fairly dense residential area it will be more difficult to find locations where the monopole does not align with properties or cannot be seen from them. In light of the intervening back gardens and the development being on the far side of Blaydon Road and the separation distance involved there would be no overbearing effect that would harm the living conditions of occupiers of these residencies.
9. The existing street lighting columns, regularly aligned along Blaydon Road, are fairly unobtrusive in the wider street scene due to their size and design. The proposed monopole would be thicker and over twice as tall and would tower above them. Due to the grassed roundabout being raised, the monopole and cabinets would in effect be even taller when at road and pavement level. The proposal and row of cabinets would introduce structures to a prominent but undeveloped open area currently free of clutter. The trees described as mature are about half the height of the proposed monopole and would not provide any meaningful visual mitigation. Being a through-route, the proposal would be highly visible to drivers and pedestrians using Blaydon Road.
10. I accept that telecommunication installations are not uncommon features in urban areas, but each needs to be assessed against the particular site context and surroundings it is to be placed in. 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. However, in this instance, the siting and appearance of the monopole and cabinets would result in a visually intrusive, incongruous and overly dominant feature in the street scene that would significantly detract from the character and appearance of the area.

11. Applying a sequential search, the appellant concludes that there were no mast/site sharing opportunities and no existing buildings/structures were identified, and that a new base station is therefore required. For a new mast or base station paragraph 117 of the Framework requires the developer to submit evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure.
12. The appellant has listed 4 sites it has looked at within the search area and discounted for a number of (very brief) reasons. These are set out in Section 6 of the Site Specific Supplementary Information (SSSI) and figure 2¹ of the Appeal Statement. I saw the existing supermarket building and row of shops, which are shown to lie within the search area, but there is no commentary to explain why these buildings would not be suitable to use for the siting of a telecommunication installation.
13. Discounted Site D4 on Blaydon Road is shown on the grass verge alongside the car park for the Pendeford Shopping Centre and supermarket. It has a more mixed commercial backdrop, but has been discounted for simply being "overlooked by residential properties". I saw that the appeal site is also overlooked by residential properties. It is therefore unclear what criterion the appellant has used with regards proximity to, or overlooking of, residential properties to discount the site. Furthermore, it is not clear if the map marker for D4 is intended to include one specific part of the grass verge or the entire and sizeable length of grass verge between the appeal site and Site D4. There were wider pavement and not all locations were overlooked by residential properties. However, there is no commentary from the appellant as to why the appeal site is preferable and whether these sites were even considered or any reasons for discounting them.
14. I find the level of detail for each alternative site is somewhat scant, limited information as to why other locations have not been considered and there is a lack of consistency when comparing some of the alternative sites to the appeal site. I am therefore not satisfied that a thorough enough review of possible site options within the search area has been conducted to demonstrate that there are no other more practicable sites in less sensitive locations. This therefore makes it difficult to understand how or why the choice of the appeal site was arrived at. Hence, I am unable to meaningfully assess alternative locations and the acceptability of the proposed location.
15. Accordingly the harm I have identified to the character and appearance of the area, arising from the siting and appearance of the proposal installation, is not outweighed by the need for the installation to be sited in the proposed location.
16. In so far as it is relevant to siting and appearance, the proposal would conflict with Policies ENV3 and CSP4 of the Black Country Core Strategy and saved Policies D6, D7, D9 and EP20 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 and there are no practical alternative telecommunications sites in less sensitive locations. It would also be contrary to the Council's Interim Telecommunications Policy Supplementary Planning Guidance.

¹ On both aerial images Site D2 on Emsworth Crescent has been wrongly labelled as Site D3.

Other Matters

17. In the submitted SSSI, the appellant draws my attention to a 20m monopole that was allowed on appeal in London, but I have not been provided with full details of the case. Based on the limited evidence and for a proposal in a different city in a different part of the country I am unable to make any meaningful comparisons with the appeal proposal before me. All decisions turn on their own particular circumstances based on the facts and evidence before the decision-maker at the time. I must determine the appeal on its own merits.
18. I am aware that there would be 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), but this does not outweigh the harm I have identified.

Conclusion

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

K. Stephens
INSPECTOR