



Appeal Decision

Site visit made on 26 September 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2022

Appeal Ref: APP/C4615/W/22/3298723

High Street, Wall Heath, Dudley DY6 0HB

- 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 Dudley Metropolitan Borough Council.
 - The application Ref P21/2012/PN16A, dated 29 October 2021, was refused by notice dated 23 December 2021.
 - The development proposed is an 18 metre high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto.
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Decision

1. The appeal is allowed and 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 an 18 metre high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto at High Street, Wall Heath, Dudley DY6 0HB in accordance with the terms of the application Ref P21/2012/PN16A, dated 29 October 2021, and the plans submitted with it including 002 Site Location Plan Issue A; 100 Existing Site Plan Issue A; 150 Existing Site Elevation Issue A; 215 Proposed Site Plan Issue A and 265 Proposed Site Elevation Issue A.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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 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 be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy 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 proposed development upon the character and appearance of the area.

Reasons

5. The appeal site is an area of pavement on the High Street close to the open roundabout junction of Enville Road and Dudley Road and in front of a non-designated heritage asset known as the Prince Albert Public House. It is an urban location with largely built-up surroundings that include retail and commercial buildings. The area includes a mix of older and modern properties which vary considerably in terms of appearance and scale with notable vertical structures including lighting columns, traffic lights and signage.
6. The proposed mast would be substantially taller than the public house it would be sited in front of and would not be screened by trees, so it would stand out in the skyline. Due to its height, it would be visible in local views, but this would be in the context of other vertical features in the street scene and buildings along the road. In views over longer distances when travelling towards the roundabout it would be partially screened by street trees and buildings providing a degree of visual mitigation.
7. Telecommunication installations, such as the one proposed, are common features in urban environments and it would not be incongruous. In the context of the surrounding area, I find that the proposed development would integrate into the street scene and would be compatible with its built-up surroundings.
8. The public house is an architecturally attractive double fronted building occupying a prominent position at the road junction. Whilst it would be positioned on the pavement in front of the public house it would be set away from the building. Taking into account its position, the modest scale of the cabinets and the slimline nature of the mast important features or views of the building would not be obscured. As such, I am satisfied that the proposed development would not result in any loss of significance of the Prince Albert Public House as a non-designated heritage asset.
9. The Council advise that the site lies within the Wall Heath Area of High Historic Townscape Value which they contend contains a concentration of heritage assets and historic features. However, I have not been provided with any information in relation to which features contribute to the surrounding townscape or its significance. Furthermore, the area does not have the standing of a conservation area. As such, I can only give this aspect of the Council's argument very limited weight.
10. Consequently, I conclude that the siting and appearance of the proposed development would not adversely affect the character and appearance of the area.

Conditions

11. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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.

12. Based on the information before me it is not necessary to impose conditions beyond those specified in the GPDO.

Conclusion

13. For the reasons set out above the appeal is allowed and prior approval is granted.

B Thandi

INSPECTOR