



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/22/3296420

High Street, Quarry Bank, Dudley DY5 2JW

- 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 P21/2124/PN16A, dated 16 November 2021, was refused by notice dated 10 January 2022.
 - The development proposed is 16.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

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 (the 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 relates to an area of pavement on a prominent roundabout junction. The surrounding roads comprise low rise built form, largely formed of commercial properties and two storey dwellings. The width of the road and the set back of buildings contribute to the sense of openness. There are vertical elements along nearby streets in the form of streetlights and pockets of trees, but they are commensurate with the height of buildings in the area.

6. Christ Church is a non-designated heritage asset, although partially screened from the road its appearance positively contributes to the character and appearance of the area through its attractive design and ornate detailing, highlighted by its imposing gable façade on Park Road.
7. I acknowledge that the height proposed is required to provide sufficient coverage. However, the proposed development would appear unduly prominent and incongruously tall and out of keeping with its context. It would be considerably prominent projecting significantly above the built form, trees and street lighting. Seen in views over relatively long distances, the proposed development would be at odds with the modest scale of the area.
8. Notwithstanding the landscaping provided by the trees along the road frontage, the upper part of the mast would appear visually prominent standing out as a modern feature above the tree line. Whilst there are existing street lights they are low level and of a simple design with slim profiles. The proposed mast, by contrast, would be much taller, having a substantially thicker profile. Consequently, the proposal would introduce a stark and discordant feature within the area.
9. The proposed mast would be a highly visible feature above the ridgeline of Christ Church when approaching along the High Street from the west and Park Road from the south where the land slopes downwards. In these views, this tall, functional modern structure would contrast markedly with the form and design detailing of the church. Whilst the proposed mast would be outside the formal grounds of the church, it would nonetheless harm its setting introducing a tall structure of incongruous appearance which would detract from the significance of this non-designated heritage asset.
10. While a different colour may assist in alleviating the visual impacts of the proposed development to some degree, the colour alone would not overcome my concerns and the substantial visual impact of the mast proposed.
11. For the reasons set out above I conclude that, due to its siting and appearance, the proposed development would have a harmful effect upon the character and appearance of the area and so, insofar as they are a material consideration, would be contrary to the aims of Policies ENV2, ENV3 and CPS4 of the Black Country Core Strategy (2011) and Policies S11, S12 and D8 of the Dudley Borough Development Strategy (2017) which, amongst other things, require developments to preserve and where appropriate enhance local character; high quality design; positive measures to conserve and enhance buildings on the Local List and for telecommunications installations to be sensitively designed and sited to minimise its impact.

Planning balance

12. The Framework advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. It also outlines that the expansion of electronic communications networks, including next generation mobile technology, should be supported.
13. The mast is required to provide new 5G network coverage in the area. I acknowledge that care has been taken to site the proposed development including pulling it away from nearby dwellings. I note that cell coverage is constrained and there are a lack of suitable locations and site sharing is not a

viable option therefore the proposed site is the only realistic option. I also acknowledge the economic and social benefits associated with such development as set out in Paragraph 114 of the Framework.

14. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term and the desirability of sustaining and enhancing the significance of heritage assets.
15. For the reasons set out above I find that the proposal would be harmful to the character and appearance of the area including unacceptably harming the setting of a non-designated heritage asset. I do not consider that harm to be outweighed by the general support in the Framework for high quality communications.

Conclusion

16. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR