



Appeal Decision

Site visit made on 14 October 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/Z0116/W/22/3298733

Coombe Lane, Bristol, Avon BS9 1AL

- 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 Bristol City Council.
 - The application Ref 21/06626/Y, dated 9 December 2021, was refused by notice dated 31 January 2022.
 - The development proposed is the erection of an 18-metre-high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Appeal form as it provides a more accurate description than that outlined on the original planning application form.
3. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 the proposed development is established by the provisions of the GPDO. I have had regard to the policies of the development plan, only in so far as they are a material consideration that are relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance on the character and appearance of the area, and if any harm is identified, whether it would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

Character and Appearance

6. The appeal site forms part of the highway grass verge situated on a junction with Coombe Lane, Stoke Lane and Parrys Lane. It includes a footway that circles a small central grassed area. A post box, a highway sign, street light, a low-lying street sign and two trees are also situated on the land.
7. The grassed area mostly adjoins Parrys Lane, which is a wide B-road that includes street lights, bus stops and shelters. Mid-sized street trees are also sporadically located along this section of Parrys Lane. Despite this, Parrys Lane, as well as Coombe Lane and Stoke Lane are largely residential in character. A flat roof three storey flatted development and a two storey care home are located close to the grass verge on one side, but the predominant built form is two storey detached and semi-detached dwellings fronting the road. The dwellings are set back from the road with a mixture of low-lying walls and fences, with mature trees and hedges providing some screening. As such, the area is relatively open and green with the surrounding built form being predominately two storey residential buildings.
8. While the monopole and antennas would have a slim design, the 18m height would nevertheless contrast with the open, two storey residential built form. There are a number of vertical features nearby, including streetlights and highway signs, but these are narrower in design and no greater than approximately 10m in height. The proposed 18m high street pole would be significantly taller, bulkier, and more prominent than these existing features. When combined with the associated equipment cabinets, the proposed development would appear at odds with the prevailing size and scale of existing street furniture.
9. Despite the curves in the road along Parrys Lane, the proposed development would be highly visible along the Lane to the west. This is in part due to the topography and width of the road, coupled with the open frontages and set back dwellings. Furthermore, Coombe Lane and Stoke Lane slope downwards, away from the junction, meaning that the area of grass verge sits at a slightly elevated position. The utilitarian appearance, coupled with its siting and height would contrast with the open and green setting, resulting in an unduly prominent and visually jarring addition to the street scene.
10. The proposed development would be situated on a section of grass verge with two street trees. Both trees are immature and not particularly tall. This low height would contrast with the tall and wide monopole and antenna, while the small size of the canopies would provide limited screening of the development. The position and height of these trees would also fail to provide any meaningful screening from close, mid or long-range views from Parrys Lane or Coombes Lane. Although the care home to the rear, and the trees within its garden would provide some screening from Stoke Lane, the proposed development would still project above the built form and mature trees. Furthermore, during prolonged periods of the year when the trees are not in leaf, the prominence and impact of the proposed development would be exacerbated.
11. A condition to finish the proposed development in green would not sufficiently mitigate the impact. Although the background includes trees, and finishing in green could provide some softening, the nearest built form is a mixture of brick

and render, with lighting columns and highway signs finished in black and grey. The proposal is also such a height that it would be above the trees, meeting the skyline. Against this background, and particularly when the trees are not in leaf, the green finish would not satisfactorily integrate the development into the area

12. Accordingly, having regard to its siting and appearance, the proposed development would significantly impact on the character and appearance of the area. Insofar as they are a material consideration, the proposal would also be contrary to the aims of Policy BCS21 of the Bristol Development Framework Core Strategy 2011 as well as Policies DM26 and DM36 of the Bristol Site Allocations and Development Management 2014. Amongst other things, these policies seek to ensure that all development is high quality in design, protects the character and distinctiveness of the locality, as well as responding to and incorporating existing green infrastructure, such as trees. Telecommunications equipment and installation should respect the character and appearance of the area and would not be harmful to visual amenity by reason of its siting and design.

Alternative Sites

13. Paragraph 117 of the National Planning Policy Framework (the Framework) states, among other things, that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by necessary evidence to justify the proposal. Where this relates to a new mast or base station, this evidence should include that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
14. I recognise that the 5G cell search area is constrained. I note that the appellant has provided a map detailing discounted options and set out that no mast sharing sites or buildings have been identified. However, there is limited evidence before me that indicates what existing buildings within the locality have been investigated and the reasons for them being discounted. The Council has raised this matter but has not specifically identified buildings within the locality.
15. Although I appreciate that a large proportion of the buildings within the cell search area are residential buildings, there are taller three storey and four storey flatted properties within the vicinity of the site, which have not been identified or explored. The appellant has specifically indicated that they do not consider that a 18m pole is dominant or out of scale due to the presence of three and four storey flatted developments within the vicinity of the site. However, no details of these buildings and why they are not suitable has been outlined in the evidence before me.
16. Consequently, the need for this installation weighs in favour of the appeal, but I am not satisfied that potentially less harmful alternatives on existing buildings have been adequately explored, contrary to the policy objectives set out in section 10 of the Framework.

Conclusion

17. I note the support in the Framework for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also note the benefits that

modern telecommunications give to vital services within the area, and its importance for home working during the recent pandemic. Nevertheless, I must balance this against the requirement for equipment to be sympathetically designed and sited. In this case, the considerable benefits do not outweigh the significant harm to the character and appearance of the area.

18. For the above reasons, I conclude that the appeal is dismissed.

M. P. Howell

INSPECTOR