



Appeal Decision

Site visit made on 5 October 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/P4605/W/22/3299274

BHM19716- Moor End Lane Streetworks, Moor End Lane, Birmingham, B24 9DL

- 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 Birmingham City Council.
 - The application Ref 2021/10032/PA, dated 24 November 2021, was refused by notice dated 20 January 2022.
 - The development proposed is the installation of a 15 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 dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 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 do not require regard be had to the development plan. Consequently, I have taken it into account Policy DM16 of the Birmingham Development Plan Document (DPD) (2021), Policy PG3 of the Birmingham Development Plan (Part of Birmingham's Local Plan) (2017) (LP) and the guidance contained within the Telecommunications Development Mobile Phones Infrastructure Supplementary Planning Document (2008) (SPD) as material considerations but only insofar as the policies relate to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the living conditions of nearby occupants with regards to outlook, and if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

5. The appeal site is a paved triangular shaped road island at the junction of Moor End Lane and Spring Lane. The appeal site, being a road island, is in a prominent location and is located opposite the junction to Blossom Hill. The immediate area is residential in nature and is characterised principally by two-storey semi-detached properties. There are also several streetlighting columns, telegraph poles and overhead lines. However, these are considerably shorter than the proposal.
6. Therefore, the proposal would appear visually intrusive and dominant in the street scene, noticeably taller and wider than other existing street furniture. This would be emphasised by the prominent location of the appeal site at and opposite the junction of a number of roads from which the proposal would be a dominant addition.
7. The appeal site is in a residential area where there would be views of the proposal from a number of nearby houses, particularly No's 86 and 88 Moor End Lane. However, the extent to which the proposal would impact on the outlook from these properties would be limited due to the distance between the proposal and No's 86 and 88. Consequently, the proposal would not result in unacceptable impacts on living conditions of nearby houses with respect to outlook.
8. I note the alternative locations considered by the appellant and reasons given for discounting each of those. Given the harm I have identified to the character and appearance of the area, alternatives must be robustly explored to determine the likelihood of there being less harmful alternatives to the appeal scheme. There is limited information regarding discounted sites however largely they appear to have been discounted due to proximity to access gates, visibility and underground services. However, dependent on the precise location proposed, these might reasonably provide an alternative location. Accordingly, it would appear that these offer realistic alternatives that might reasonably accommodate the appeal scheme with less harm to factors such as the character and appearance of the area. No robust evidence is before me to indicate otherwise.
9. I recognise the importance of good, fast, reliable, and cost-effective communications and the support for high quality communications infrastructure within the Framework. Nevertheless, I conclude that the harm from the siting and appearance of the proposed installation on the character and appearance of the area would not be outweighed by the need for the installation to be sited as proposed, taking into account the potential for suitable alternatives.

Conclusion

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

Tamsin Law

INSPECTOR