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# 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**

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**Appeal Ref: APP/P4605/W/22/3299276**

**BHM19718 - Kingstanding Road Streetworks, Kingstanding Road, Kingstanding, Birmingham, B44 9SD**

- 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 2021/10651/PA, dated 17 December 2021, was refused by notice dated 8 February 2022.
  - The development proposed is the installation of a 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 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 (2021) (DPD), 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 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 area of footpath adjacent to an area of parking on Kingstanding Road. A terrace of shops with first floor residential accommodation is located adjacent to the appeal site. The immediate area is otherwise residential in nature and is characterised principally by two-storey semi-detached properties. There are also a number of streetlighting columns, telegraph poles and overhead lines. A tree lined section running down the centre of Kingstanding Road contributes to a verdant character.
6. The proposal is intended to provide new 5G network coverage to the residential area in and around Kingstanding Road. The proposed development would be of a functional appearance, typical of telecommunications equipment seen in urban areas generally.
7. The height of the proposed monopole would be some 6 metres taller than nearby existing streetlights and telegraph poles. Whilst the proposal would be read as being grouped with existing street furniture against a backdrop of commercial uses, when travelling along Kingstanding Road it would be noticeably taller and wider than the existing street furniture, and it would be taller than neighbouring buildings.
8. Due to its height and prominent siting within the footway, the proposal would be readily visible from various points along Kingstanding Road. Given its height and width, and prominent siting, the proposed monopole would appear at odds with the prevailing smaller scale, residential and commercial nature, and verdant character of the area.
9. The siting and appearance of the proposal would be harmful to the character and appearance of the area.
10. 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. The site at D8 (Central Green) is discounted based on it already benefits from coverage and could have some interference with other masts. However, it is a large area with potential to move the specific location of a mast. Additionally, the immediately vicinity of the site does not appear to be particularly residential in character, being close to a commercial area, public house, and car park, with mature trees and play park on the opposite side of the road. Therefore, subject to further investigation this site might reasonably be less harmful to character and appearance than the appeal scheme.
11. Similarly, the site at D3 (Hurlingham Road) was discounted due to its proximity to residential properties. However, dependent on the precise location proposed, this might reasonably provide an alternative location where visibility from residential properties would be limited. I note the Council have suggested a nearby site, within the central reservation, that could also offer a realistic alternative to the proposed development. Accordingly, it would appear that D3 and D8 could 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.

12. 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, considering the potential for suitable alternatives.

### **Conclusion**

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

*Tamsin Law*

INSPECTOR