



## Appeal Decision

Site visit made on 23 November 2022

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 9 December 2022**

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**Appeal Ref: APP/Z0116/W/22/3294645**

**Passage Road, Repton Grange, Brentry, Bristol BS10 6TG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 21/04011/Y, dated 18 July 2021, was refused by notice dated 9 September 2021.
  - The development proposed is 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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### Decision

1. The appeal is dismissed.

### Background and Main Issue

2. It is sought to erect a 15m monopole and associated works (the Mast). The principle of development is established by 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), the GPDO requires the Local Planning Authority to assess the proposal solely on the basis of its siting and appearance, taking into account representations received. It does not require regard be had to the development plan.
3. On that basis I have considered Policies BCS9, BCS21 and BCS22 of the Core Strategy (adopted 2011), Policies DM26, DM28, DM31 and DM36 of the Site Allocations and Development Management Policies (adopted 2014) and the National Planning Policy Framework (the Framework) only insofar as they are material considerations relevant to matters of siting and appearance.
4. The site occupies a small triangle of verge at the corner of the A4018 Passage Road and Charlton Road directly to the south west of and therefore within the setting of the Grade II Royal Victoria Park (formerly Brentry House) Park and Garden (the Park). The site is also inside the Brentry Conservation Area (the CA). I am therefore vigilant of my duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. It follows that the main issue in this case is the effect of the siting and appearance of the Mast on the character and appearance of the area, with particular regard to the Park and the CA 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

### *Siting and appearance*

6. The significance of the CA is drawn partly from its highly suburban character and low density, with its built form set submissively within heavily treed and softly landscaped gardens and open green spaces, often enclosed by rustic rubblestone walls. The enclosed parkland landscape of the Park, designed by eminent Georgian landscape architect Humphry Repton, makes an obvious contribution to these elements of the CA's significance. This area is highly sensitive to modern, mechanical and utilitarian development.
7. The site is at the south west corner of the Park, at a point where the Park's adjacent trees and rubblestone boundary wall are well appreciated from the public realm. Passage Road is a busy thoroughfare punctuated by vertical elements such as street lighting columns. However, as it bisects the CA it is heavily bound by and defers to the dense trees and vegetation which line it.
8. The highway rises towards the appeal site from the south which heightens its conspicuousness and would accentuate the vertical presence of the Mast, which would be taller than the street lighting columns in any event. Even when utilising a slimline monopole in a muted tone, the Mast would be a jarringly man made and utilitarian piece of infrastructure within this context. It would clutter and detract from the luxuriant, natural quality of its surroundings, particularly by diminishing the visual primacy of the adjacent trees as vertical features. As such, the siting and appearance of the Mast would have an unacceptable effect on the character and appearance of the area.
9. Given the relative containment of the appeal site, the effects of the Mast would be localised and would therefore amount to less than substantial harms to the CA and to the significance that the Park derives from its setting. In such cases, Paragraphs 199 and 200 of the Framework state that great weight should be given to the conservation of heritage assets, and that any harm to, or loss of, their significance should require clear and convincing justification. Paragraph 202 advises that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the development.

### *Alternative sites*

10. Paragraph 117 of the Framework advises that schemes for communications development should be supported by the necessary evidence to justify it.
11. I accept the evidence in this case that the need for 5G coverage here is likely to be met by a new standalone mast installation. The appellant has undertaken an exercise to assess alternative new sites, which culminates in a shortlist of three candidates. However, the reasons why Option 2 and Option 3 have been ruled out is somewhat short on the detail. Option 2 is discounted as 'less robust from a planning perspective', but there is little to explain what this entails. Option 3 is discounted because of underground services, but it is not clear if this is a matter of preference, or conversely if the presence of the underground services may render the installation of a mast in that location a practical impossibility.
12. On the evidence before me therefore, I find that a sequential approach to site selection has been followed, but not with sufficient rigour to enable me to ascertain that there are no realistic opportunities to erect an installation in a different location where its siting and appearance would be less harmful.

### *Other considerations*

13. The Framework advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It further provides that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G.
14. The Mast is necessary in order to increase network capacity and provide faster, more reliable connectivity in a high-density urban area. It would offer extensive social and economic benefits to individuals, businesses, and public services. I am told that the combined value of 4G and 5G may well add £18.5bn to the economy by 2026. Digital inclusion can help people into employment, become more financially secure and improve their well-being. Better connectivity is essential to fulfilling the potential of new technologies. Increased network connectivity makes places safer and public services more efficient.
15. I recognise that the Mast is as short as it can be in order to ensure optimum coverage in the area, and would be designed so as to be shared, which may negate the need for further installations in the vicinity in the future. The public benefits of the scheme therefore attract significant weight in the balance.
16. However, given that I am not persuaded that there is an absence of more suitable alternative sites within the applicable network area, the public benefits of the Mast do not outweigh the respective harms to the CA and the Park in this case, to which I am obliged to assign considerable importance and weight.

### **Other Matters**

17. Given the foregoing, I have not gone on to consider the Council's second reason for refusal with regard for the potential for the siting of the Mast to prejudice planned highway infrastructure enhancements.

### **Conclusion**

18. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

*Matthew Jones*

INSPECTOR