



Appeal Decision

Site visit made on 8 November 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2022

Appeal Ref: APP/P4605/W/22/3304022

Telecommunications Site Cornerstone 303084, Footway at Bromford Road, NE of Junction with Radstock Ave, Birmingham B36 8HJ

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cornerstone against the decision of Birmingham City Council.
 - The application Ref 2021/10610/PA, dated 10 December 2021, was refused by notice dated 9 February 2022.
 - The development proposed is the installation of a 17.5m monopole supporting 6 no. antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto including the installation of a GPS module and 3 no. RRHs (Remote Radio Heads).
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Decision

1. The appeal is allowed, and approval is granted under the provisions of 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 GPDO) for the installation of a 17.5m monopole supporting 6 no. antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto including the installation of a GPS module and 3 no. RRHs (Remote Radio Heads) at Telecommunications Site Cornerstone 303084, Footway at Bromford Road, NE of Junction with Radstock Ave, Birmingham B36 8HJ in accordance with the terms of the application, Ref 2021/10610/PA, dated 10 December 2021, and the plans submitted with it.

Preliminary Matters

2. The provisions of 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.

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 consideration of the development plan. I have had regard to the policies of the development plans, related guidance and the National Planning Policy Framework (the Framework) only in so far as they are factors relevant to matters of siting and appearance.

Main Issues

3. The main issues are the effect of the siting and appearance of the proposal on i) the living conditions of occupiers of nearby residential properties having particular regard to outlook; and ii) the character and appearance of the area.

Reasons

Living conditions

4. The proposed monopole would be seen from the windows in houses on the opposite side of Bromford Road and in Radstock Avenue. However, it would not be overly bulky and as a consequence of the separation distance between it and these dwellings, would not appear unduly overbearing. Furthermore, the ancillary equipment cabinet, which would be lower in height and modest in scale, would not be an imposing feature when viewed from the surrounding residential properties.
5. As such, I conclude the siting and appearance of the proposal would not harm the living conditions of the occupiers of nearby residences in respect of outlook. Whilst not determinative the proposal would accord with the high design quality aims of Policy PG3 of the Birmingham Development Plan 2017 (the BDP) and Policies DM2 and DM16 of the Development Management in Birmingham Development Plan Document 2021 (the DMP), which seek to safeguard the amenity of neighbouring properties and require new telecommunications proposals to be sited and designed in order to minimise impact on residential amenity.
6. It would also accord with advice in the Council's Telecommunications Development: Mobile Phone Infrastructure Supplementary Planning Document 2008 (the SPD), in so far as it requires such development to take account of the outlook from neighbouring properties, and also the design objectives of the Birmingham Design Guide: Principles Document 2022. Furthermore, there is no conflict with paragraph 115 of the Framework which sets out that equipment should be sympathetically designed.

Character and appearance

7. The appeal site is located close to the boundary of Hodge Hill College, at the back of the wide pavement on a straight section of road. The buildings surrounding the site include 2 storey residential development and the larger scale school buildings and ancillary development within its grounds. There are a range of elements in the street scene with a vertical emphasis, including lamp posts, telegraph poles, a pedestrian crossing with traffic lights, road signs and an existing mast, as well as mature trees.
8. Due to its height and siting the proposed monopole would be perceptible in views along the road, as well as from the adjoining school and residential properties opposite. However, in both longer distance views, as well as in closer range, the structure would be viewed against the backdrop of and screened in part by the trees located along the boundary to the school. The trees, even when not in leaf would provide a degree of screening.
9. Whilst the upper part of the monopole would be greater in height than the trees and as such would be viewed against the sky, this would not be dissimilar to the lamp posts in the vicinity. The proposal would therefore be consistent

with and integrate with the existing character of the area. Furthermore, despite the presence of the existing nearby mast, as well as street furniture, the proposal would not lead to an unacceptably cluttered appearance.

10. For the above reasons, I conclude that the siting and appearance of the proposed monopole and ancillary equipment would cause no harm to the character and appearance of the area. In these regards, as far as they are determinative in the matter, the proposal would accord with Policy PG3 of the BDP, which seeks high design quality and Policy DM16 of the DMP in so far as it requires proposals to be sited and designed in order to minimise impact on visual amenity. It would also comply with advice in the SPD which sets out that the siting and design of telecommunications equipment should minimise its impact on the visual amenity of the area.

Other Matters

11. I note that the pavement is currently used for parking and that parked vehicles, together with the proposed development would reduce the width of the path. However, the area is not designated for parking, any cars parked wholly on the footpath in this location do so on an informal basis. Like the Highway Authority, I am content that, given the size and siting of the monopole and ancillary equipment and the remaining width of the footpath, the proposal would not have an unacceptable effect upon pedestrian or vehicular movement and safety.
12. I acknowledge concerns that the proposal would detract from the appearance of the school frontage when viewed from Bromford Road. However, I have found that the siting and design of the proposal would be acceptable with regards to the character and appearance of the area, having regard to the surrounding development. As such I conclude that the proposal would not give rise to harm to the appearance of the school premises.
13. The cabinet would be sited close to the tall boundary fence around the school. Whilst noting the concern that it could be used as an aid to get over the fence into the school grounds, I have limited evidence to demonstrate that this would occur in this location, given that the street is well lit and the equipment would be overlooked by the neighbouring properties. Furthermore, it is clear that in considering this matter the Council did not raise it as a concern when it determined the application. I have no reason to reach a different view to the Council in this regard.
14. The Framework advises the use of existing masts, buildings and other structures for new electronic communications should be encouraged. The appellant has indicated that they have explored opportunities for mast sharing. However, upgrading existing telecommunications sites nearby would require significant alterations to the existing structures to larger bulkier masts, which would not be possible due to site constraints. There is also a requirement for the proposal to be at least 30m from the existing monopole at Bromford Road in order to prevent interference.

Conditions

15. I note that the Council's Environmental Pollution Control Officer has suggested a condition regarding noise levels from the proposal. The Order does not provide any specific authority for imposing additional conditions beyond the

deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

Emma Worley

INSPECTOR