



Appeal Decision

Site visit made on 22 November 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/Z0116/W/22/3303918

King's Drive & Queens Drive SWS, Bristol, BS7 8JW

- 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 22/02271/Y, dated 6 May 2022, was refused by notice dated 23 June 2022.
 - The development proposed is described as "Proposed telecommunications installation: Proposed 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. 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 regard to be had to the development plan. I have considered Policies BCS 9 and BCS21 of the Bristol City Council – Core Strategy (2011), as well as Policies DM26, DM28 and DM36 of the Bristol City Council – Site Allocations and Development Management Policies Document (2014) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. In the context of the above, the main issue is 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

Character and Appearance

5. The proposed development would be located within the footway on the northern side of Kings Drive, opposite a junction with Queens Drive. The area surrounding the site is predominantly residential, almost entirely low level, with the height of two-storey buildings defining the uppermost extent of building form in the immediate vicinity. Adjacent to the appeal site is a large area of open space. Kings Drive has a mature hedgerow which runs along much of the northern side of the road, which combined with other hedgerows and tree planting in the immediate area contributes to a verdant character. There are street lighting columns, signs and street furniture near to the appeal site, however these are under 6 metres in height.
6. The proposal is intended to provide new 5G network coverage to the residential area around the appeal site. The proposed development would be of a functional appearance, typical of telecommunications equipment seen in urban areas generally.
7. Within this context, the addition of a 15-metre-high mast at this location would be a highly visible, prominent, and incongruous addition to the street. It would be substantially taller than any feature within the immediate environs and be intrusive as a result.
8. There are clear views of the site when approaching along Kings Drive and Queens Drive and the mast would be a discordantly tall feature when viewed in the context of the surrounding development. In views from these roads, it would appear as an isolated component intruding into the relatively open view of the sky. Given its height and width, and prominent siting, the proposed development would appear at odds with the prevailing smaller scale, residential nature, and verdant character of the area.
9. I note that there are a number of trees nearby, however the proposed mast would be visually distinct from these and as such would generally be viewed in isolation from them. Thus, the trees would do little to ameliorate the appearance of the mast.
10. The siting and appearance of the proposal would therefore be harmful to the character and appearance of the area.

Alternative Sites

11. I note the alternative locations considered by the appellant and reasons given for discounting each of those. I also note that no evidence regarding the reasoning to discount mast sharing or the use of buildings has been submitted.
12. 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 D3 (Longmead Avenue) is discounted based on insufficient pavement width and overhead lines. However, it is a large area with potential to move the specific location of a mast. Pavements appear wide in some areas, with other street furniture already located within the footway. Areas along Longmead Avenue also have no overhead lines. Additionally, the immediately vicinity of the site does not appear to be wholly residential in character, being close to commercial

uses. Therefore, subject to further investigation this site might reasonably be less harmful to character and appearance than the appeal scheme.

13. Similarly, the Council have suggested a site at a nearby Tesco, close to the above discounted site. This site is in a more commercial area, with taller street furniture and lighting columns. Dependent on the precise location proposed, this might reasonably provide an alternative location. Accordingly, it would appear that D3 and the Council's suggestion 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.
14. Additionally, no information has been provided to detail that mast and site sharing or the use of existing buildings or structures in the area would be unviable.
15. I note the Council's concerns regarding consultation with schools, however the appellant identified the closest school and undertook consultation with them. The guidance contained within the Framework does not detail any specific distances for such a consultation exercise.
16. 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

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR