



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/22/3303962

Ingleside Road, Hillfields, Bristol, BS15 1JD

- 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 22/02125/Y, dated 28 April 2022, was refused by notice dated 21 June 2022.
 - The development proposed is described as "Proposed 5G telecoms installation: H3G Phase 8 17m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets. Located at: Ingleside Road, Hillfields, Bristol, BS15 1JD."
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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 BCS9 and BCS21 of the Bristol City Council – Core Strategy (2011), as well as Policies DM17, DM26, DM27 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 Issues

4. In the context of the above, the main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including impact on trees, the living conditions of nearby occupants with regards to outlook, and whether alternative sites have been satisfactorily considered.

Reasons

5. The proposed development would be located within the footway on the northern side of Ingleside Road. The area surrounding the site contains a mix of both commercial and residential buildings, yet the built form present is almost entirely low level, with the height of three-storey buildings defining the uppermost extent of building form in the immediate vicinity. Ingleside Road is a wide road characterised by buildings set back from the road behind front gardens/driveways, grass verges and pavements. This combined with the trees that line the road contributes to an open and verdant character. There are street lighting columns, signs, and street furniture near to the appeal site, however these are under 10 metres in height.
6. The proposal is intended to provide new 5G network coverage to the residential area in and 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 17-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 the site from both directions along Ingleside Road, 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. Given its height and width, and prominent siting, the proposed development would appear at odds with the prevailing smaller scale, residential and commercial nature, and the open and verdant character of the area.
9. I note that there are several 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. Additionally, the proximity of the proposed development to the nearest tree could impact on its retention, such as construction works potential impacting upon roots, and in the absence of any information relating to safeguarding the tree, I am unable to assess whether the tree would endure.
10. The appeal site is close to a number of residential properties where there would be views of the proposal from a number of nearby houses and flats, particularly those in Handel Cossham Court. Whilst the proposal would be visible from within these properties, the extent to which the proposal would impact on their outlook would be limited due to the distance between the proposal, which would be on the opposite side of the adjoining car wash. Consequently, the proposal would not result in unacceptable impacts on living conditions of nearby residents with respect to outlook.
11. Concluding on these matters the siting and appearance of the proposal would be harmful to the character and appearance of the area, including its likely impact on a nearby tree.

12. 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.
13. 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 D2 (Two Mile Road) is discounted based on insufficient pavement width. 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. Additionally, the immediately vicinity of the site does not appear to be wholly residential in character, being a long straight road with commercial uses at ground floor. Therefore, subject to further investigation this site might reasonably be less harmful to character and appearance than the appeal scheme.
14. Similarly, the site at D4 (Regent Street) is a long street with commercial uses at ground floor of most buildings. There are areas of wide pavements and a number of street lighting columns and street furniture. Further along Regent Street there are also CCTV columns. Accordingly, it would appear that D3 and D4 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.
15. 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

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

Tamsin Law

INSPECTOR