



Appeal Decision

Site visit made on 25 January 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2023

Appeal Ref: APP/Z0116/W/22/3306196

Station Road, Henbury, Bristol, BS10 7QH, 356395, 179198

- 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 & 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 22/02425/Y, dated 10 May 2022, was refused by notice dated 6 July 2022.
 - The development proposed is a 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.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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 Council has referred to development plan policies in its decision. However, the principle of development is established by the GPDO 2015 and Part 16, Class A does not require regard to be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.
4. Regardless of whether or not the proposed cabinets might benefit from permitted development rights, they form an integral part of the application subject to this appeal. Therefore, I have considered them as such under this appeal.

Main Issue

5. 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 it is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

6. The area is primarily residential, with two schools in close proximity to the site. The proposed monopole and cabinets would be located to the back of a public footway, adjacent to a triangular area of open space. Modest height open-loop railings form the boundary between the open space and the road. Railings also delineate the other two sides of the open space, where it borders the parking area for a block of flats, and a pedestrian path to the rear of dwellings on Marmion Crescent. There are also dwellings on the other side of Station Road opposite the site. A number of mature trees are located around the edges of the open space, but not along the boundary to the road. As such, the open space forms a pleasant break in built form which contributes significantly to the character and appearance of the area.
7. There are street lighting columns and telegraph poles in the area, but the proposed monopole would be significantly wider and taller than any of them. The monopole would also be higher than the nearby 5 storey block of flats. Due to the prominent siting, the monopole and cabinets would be highly visible when travelling along busy Station Road. The trees would form the backdrop against which the pole would be viewed from some perspectives. However, the trees are dispersed and located away from the road frontage, behind the site, so would not provide any significant screening of the monopole when viewed from the road. When viewed from within the open space and the public pathways around it, the monopole would dominate the outlook.
8. Given the height, width, lack of screening, and proposed location adjacent to an area of open space, the monopole would be an incongruous, unsympathetic, and overly prominent element of the streetscene. It would be highly visible against the skyline from many public viewpoints, particularly the top section containing the bulky antennas. The proposed equipment at ground level would introduce clutter in an area which is currently relatively free of street furniture. The cabinets would be more prominent due to their proposed location next to open railings and an open space.

As a consequence of the factors set out above, and despite the lack of any statutory area designation, the siting and appearance of the proposal would result in significant harm to the character and appearance of the area.

Alternative sites

9. The appellant has set out the need for the proposal to fill a gap in coverage in the area. The Government's support for such proposals is clear with paragraph 114 of the Framework establishing that decisions should support the expansion of electronic communications networks including next generation mobile technology such as 5G. These matters weigh heavily in favour of the proposal.
10. However, the conditions set out under A.2(1)(b) of Part 16, Class A of the GPDO require that the visual impact of the proposal on the area is minimised, so far as practicable. In addition, paragraph 115 of the Framework states that new equipment should be sympathetically designed and camouflaged where appropriate, with paragraph 117 requiring the possibility of erecting new equipment on buildings and other masts and structures to be explored.

11. The need to consider suitable alternative sites is also set out in Policy DM36 of Bristol City Council's Site Allocations and Development Management Policies Local Plan Adopted July 2014. Therefore, taking into account my conclusions on the main issues above, I need to consider the availability of other suitable and potentially less harmful siting options.
12. The appellant has provided a map of the cell search area, which I have no reason to question and, given the requirements of 5G, I accept that the area is constrained. Brief information has been provided on a selection of potential alternative sites which were considered but discounted due to stated issues with pavement width, visibility splays, tree canopies and proximity to a listed building. However, no detail on the extent of the potential issues has been provided so I am unable to consider if the discounted options would have been more or less harmful than the proposal subject to this appeal.
13. Given that the discounted options almost all mention pavement width as an issue it is assumed they all relate to new street works monopole options. I acknowledge the requirements of 5G and the constraints of existing underground services and note that the appellant states they followed the sequential approach to site selection. Despite this, I have been presented with no details of any site sharing opportunities considered, or existing buildings or structures that were explored but discounted.
14. It is also unclear whether the proposed monopole would be capable of supporting site sharing in future. The appellant statement of case states that the installation is "required to ensure mast sharing can be facilitated and remove the need for any future additional telecommunications masts in this location" [5.1.5]. Elsewhere the statement claims that "A slimline street pole design has been specified, to minimize visual intrusion....a shared 5G structure would require...a considerably more bulky and intrusive support structure and therefore the least intrusive equipment configuration has been specified" [3.7]
15. Framework paragraph 117 also requires the outcome of consultations with organisations with an interest in the proposed development to be provided as evidence. No detail has been provided regarding any response, or if a response was received, but the appellant site specific supplementary information document identifies that a letter of consultation was sent to nearby schools prior to submission of the application.
16. While I note that the Council has not suggested alternative sites, the issues identified above place considerable doubt over whether the appellant has fully and properly considered alternative site options. Therefore, I do not have clear and persuasive evidence that, in all likelihood, there are no other sites available, that would be more suitable and less harmful than the proposed.

Other Matters

17. While I acknowledge that there would be various social and economic benefits, the GPDO is clear that the only considerations should be the siting and appearance of the proposal. The appellant has suggested they would be willing to colour the equipment to assist its assimilation. This may lessen the visual impact to a minor extent but would not alter the fundamental issues of scale, height and siting.

Conclusion

18. The need for an installation to provide coverage in this area weighs in favour of the appeal. However, I am in no doubt that the proposed siting and appearance would be harmful to the character and appearance of the area. It has not been demonstrated that less harmful alternatives have been fully explored. Consequently, the need for the installation in this location does not outweigh the harms identified. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen Davies

INSPECTOR