



Appeal Decision

Site visit made on 28 February 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2023.

Appeal Ref: APP/Z0116/W/22/3306981

Greystoke Avenue, Southmead, Bristol BS10 5NZ

- 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 CK Hutchinson Networks (UK) Ltd against the decision of Bristol City Council.
 - The application Ref 22/02775/Y, dated 27 May 2022, was refused by notice dated 21 July 2022.
 - The development proposed is a 15.0m Phase 9 slimline Monopole 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. In its decision, the Council has referred to Policies of the Bristol Core Strategy (CS) and the Bristol Site Allocations and Development Management Policies Local Plan (SADMP). 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 proposed development would be located on the edge of a grassed area adjacent to Greystoke Avenue, within the Arnside Road district centre. The immediate area is commercial in character, with three storey terraces containing shops at ground floor to the north and one and two storey buildings to the south. There are also dwellings in the area. The wide carriageway and central grassed area creates reasonable separation between the nearest buildings and the proposed development.
7. The grassed area is designated as Important Open Space under the policies map of the Local Plan. It is part of an extended green strip between the two carriageways of Greystoke Avenue which affords the area a pleasant open and green character and appearance.
8. There are numerous vertical features in the immediate surrounding area, including street lighting on both sides of the road, security camera poles and traffic lights. Therefore, such features are not uncommon and the proposed mast would be located amongst these meaning it would not be entirely out of keeping with the surroundings. Notwithstanding this, the mast would be significantly wider and taller than the existing vertical features making it a much more prominent element within the streetscene.
9. There are trees elsewhere along the green strip, but the section of grass area where the mast would be located, lacks trees. This means the appearance of the mast would not be softened by any screening or backdrop provided by vegetation, particularly viewed from along Greystoke Avenue, which is a busy vehicle and pedestrian route. The proposed siting is close to the junction between Greystoke Avenue and Arnside Road so the mast would also be a prominent feature when looking down Arnside Road. This would impact negatively on the open views along Arnside Road, which has benefited from a recent scheme to regenerate the public realm.
10. Given the height, width, lack of screening, and particularly the proposed location adjacent to an area of open space and a junction, the mast would be an 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 which would be more prominent due to being set against the backdrop of the open space.
11. Therefore, for the reasons set out above, due to its siting and appearance, the proposed development would have a harmful effect upon the character and appearance of the area. Therefore, insofar as they are a material consideration, the scheme would not accord with the design aims of Policies BCS21 of the CS, Policies DM26, DSM28 and DM36 of the SADMP, and the Framework.

Alternative sites

12. 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.

13. 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 117 of the Framework requires the possibility of erecting new equipment on buildings and other masts and structures to be explored. The need to consider suitable alternative sites is also set out in Policy DM36 of the SADMP. Therefore, given that I have found the proposal would result in visual harm, albeit modest, I need to consider the availability of other suitable and potentially less harmful siting options.
14. 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. 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.
15. Importantly, the appellant has not adequately addressed the existence of extant permission for a mast in close proximity to the site. The appellants' site specific supplementary information (SSSI) presents a shortlist of options. Option 1 relates to the site subject to this appeal, with option 2 being discounted due to underground services. The SSSI goes on to state "Option 3 - Greystoke Avenue - NGR E:358246 N:178385 - Site from the previously refused application". However, that refused application was subsequently allowed on appeal¹. Therefore, permission for a 15m Phase 8 monopole, in a location listed on the options shortlist, which would provide coverage for the cell search area, was already in place when the application subject to this appeal was submitted. I have been presented with no substantive evidence which would lead me to conclude that the already approved site is no longer an option for a mast. Therefore, I cannot conclude that the appellant has adequately ruled out the option of mast and site sharing, as required by the sequential approach to site selection.
16. The site which has permission is adjacent to a parking area, rather than an important open green space, and is set further away from the junction, thus limiting visibility of any mast from along Arnside Road. The appeal decision which granted permission notes the functional utilitarian appearance of the site, contrasting it with the greener areas beyond. As such, there are material differences between the sites, with the impact of a mast on the character and appearance of the approved site being significantly less than for the proposal subject to this appeal.
17. Brief information has also been provided on a selection of potential alternative sites which were considered but discounted due to stated issues with proximity to residential properties and concerns regarding visibility splays. 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.
18. I also note a lack of clarity regarding whether the proposed mast would be capable of supporting site sharing in future. The appellant statement of case says that "It is important to note that a shared 5G structure would require... a considerably more bulky and intrusive support structure and therefore the least intrusive equipment configuration has been specified", but goes on to say "The proposal has been designed to remain as discreet as physically possible yet still

¹ Application reference 20/05641/Y and appeal reference APP/Z0116/W/21/3267760, dated 15 June 2021.

facilitate multiple sharers” as well as saying “This is a standalone facility as opportunities for sharing have been investigated and exhausted².”

19. 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, particularly in light of the extant permission for a site nearby which would be visually less harmful, 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

20. 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.
21. Framework paragraph 117 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 SSSI does identify that a letter of consultation was sent to nearby schools prior to submission of the application.

Conclusion

22. The need for an installation to provide coverage in this area weighs in favour of the appeal. However, the proposed siting and appearance would be harmful to the character and appearance of the area and it has not been demonstrated that less harmful alternatives have been fully and properly explored. Consequently, the need for the installation in this location does not outweigh the harm identified. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen Davies

INSPECTOR

² Sections 3.7, 3.10 and 3.17 respectively.