



Appeal Decision

Site visit made on 2 February 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/P4605/W/22/3306332

Coventry Road Streetworks, Coventry Road, Acocks Green, Birmingham B26 1DT

- 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 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 Birmingham City Council.
 - The application Ref 2022/04031/PA, dated 17 May 2022, was refused by notice dated 11 July 2022.
 - The development proposed is the installation of an 18 metre high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto.
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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) for the siting and appearance of the installation of an 18 metre high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto at land at Coventry Road Streetworks, Coventry Road, Acocks Green, Birmingham B26 1DT in accordance with the terms of the application Ref 2022/04031/PA, dated 17 May 2022, and the plans submitted with it including: 002 Site Location Plan (Rev A); 215 Proposed Site Plan (Rev A); 265 Proposed Site Elevation (Rev A).

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. Consequently, I have taken into account the policies of the development plan and any related guidance as material considerations, but only in so far as the policies relate to matters of siting and appearance. This includes Policy PG3 of the Birmingham Development Plan (January 2017) which requires that developments achieve high quality design, including responding to their local surroundings. Also relevant is Policy DM16 of the Development Management in Birmingham

Development Plan Document (December 2021). Amongst other matters this seeks to ensure telecommunications equipment is sited to minimise impacts on the character and appearance of the surrounding area, as well as on residential amenity.

4. Related guidance includes the Telecommunications Development: Mobile Phone Infrastructure Supplementary Planning Document (March 2008) and the Birmingham Design Guide: Healthy Living and Working Places City Manual (September 2022). These generally address factors to be taken into account in the siting of telecommunications equipment including protecting residential amenity and avoiding areas of high quality open space. Similarly, the National Planning Policy Framework is also a material consideration and includes a section on supporting high quality communications.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area and the living conditions of the occupants of nearby residential accommodation, with particular regard to outlook.

Reasons

Character and Appearance

6. The appeal site is an area of pavement at the junction between Coventry Road and Steyning Road. This section of Coventry Road is a busy dual carriageway. A wide, tree lined area of grass separates opposing lanes of traffic, with regularly spaced street lamps that are modest in scale. Behind the appeal site is a two storey terraced building that fronts onto the Coventry Road junction. This building comprises three commercial units at ground floor level, with what is understood to be living accommodation above. This is separated from the appeal site by an area of vehicle parking.
7. A hotel is located on the opposite side of Steyning Road, set behind an area of landscaping. A substantial metal lattice structure with hotel signage at the top is positioned in front of the hotel, close to the Coventry Road junction. This is a prominent vertical feature in the street scene. On the other side of Coventry Road, an existing telecommunications mast is located in front of a run of commercial premises. This is diagonally opposite the appeal site. The wider area is generally residential in character. Consequently, the appeal site is located in a busy urban environment with a mix of commercial and residential uses.
8. The proposal would appear noticeably taller than existing street lights, buildings and trees. Nevertheless, and notwithstanding the lack of screening, it would not appear out of place alongside this busy road where it would generally be viewed in passing rather than being a particular focal point. Moreover, in this urban, mixed use environment it would not appear particularly unusual to drivers or pedestrians passing the site, or in longer views. Although taller than the existing metal lattice structure outside the hotel, the proposal would be considerably narrower and appear more streamlined in comparison. An absence of existing street furniture on the appeal site would avoid the proposal resulting in a cluttered appearance.

9. The existing mast diagonally opposite is some distance from the appeal site, separated from it by four lanes of traffic and the wide central grass verge. Due to this degree of separation, the proposed mast would not result in the appearance of a proliferation of such equipment in this area. In any event, there would be a certain symmetry in the layout of the existing mast relative to the road, and that of the appeal scheme, on diagonally opposing sites. Accordingly, the proposal would not harm the character and appearance of the surrounding area.

Living Conditions

10. The proposed mast would be visible from front facing windows in the first floor residential accommodation at 1737 Coventry Road. However, the existing outlook from those windows is of a relatively busy, functional urban environment across Coventry Road. Whilst wider than the existing lampposts the proposed mast would nonetheless appear as a relatively narrow, vertical feature. The antenna would add some bulk to the proposal at height. However, the proposed mast would occupy only a small proportion of those views.
11. Furthermore, given the degree of separation between No 1737 and the existing mast on the opposite side of the road, the addition of the proposed mast would not result an oppressive outlook from No 1737 or any neighbouring first floor accommodation. First floor windows in the residential accommodation at 1 Steyning Road are orientated away from the appeal site. Therefore visibility of the proposal from those windows would be highly limited.
12. Consequently, in the particular context of this appeal site, the proposal would not harm the living conditions of the occupants of nearby residential accommodation, with particular regard to outlook. Accordingly, the siting and appearance of the proposal would be acceptable.

Conditions

13. 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

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

Rachel Hall

INSPECTOR