
Appeal Decision

Site visit made on 27 July 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/Q4625/W/22/3294942

Station Road, Balsall Common, Solihull

- 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 Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/02199/PN, dated 31 July 2021, was refused by notice dated 28 September 2021.
 - The development proposed is 18.0m phase 8 monopole with wraparound cabinet at base and associated ancillary works.
-

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 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 be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. 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 it to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

5. The proposed installation would be located on a wide area of public pavement adjacent to the busy roundabout at the intersection of Station Road and

Kenilworth Road. This intersection is a busy focal point within the large village of Balsall Common, with the village's main retail and commercial area located along Station Road immediately east of the roundabout. As well as a mixture of retail and commercial properties, the village centre also contains a substantial number of residential properties, many of which are located above ground floor commercial premises. Whilst there is significant variety in the age, scale and architectural form of the buildings in the surrounding area, they are generously spaced either side of Station Road, allowing for pleasant public areas with planting and welcoming street furniture.

6. Whilst the street scene surrounding the proposed installation includes utilitarian street paraphernalia such as a CCTV pole, road signage and street lighting, it also includes elements, such as a public bench and several planting boxes, that contribute positively to the public realm. The area of pavement proposed for the installation also immediately adjoins an architecturally distinctive, early 20th Century, single storey, brick building that currently houses a restaurant. The restaurant building includes well-detailed brickwork, large timber vertical sash windows, and slate ridged roof. The prominent position of the restaurant building, in combination with its distinctive architecture and the surrounding elements of attractive public realm, creates a sense of place, at a busy focal point, that contributes positively to the character and appearance of the area.
7. Whilst the mast would be viewed in the context of surrounding utilitarian street paraphernalia, it would be considerably greater in height than the existing street apparatus and the majority of buildings in the surrounding street scene. It would be evidently thicker than the street lights, and the antennae would add an even bulkier element to the upper section of the structure. The monopole and its antennae would appear as a high, incongruous, and intrusive feature, prominent in public views, including from both Station Road and Kenilworth Road. The visual dominance of the installation on the distinctive architecture of the restaurant building, and on the surrounding public realm, would result in significant harm to the character and appearance of the area at an important focal point within the centre of the village.
8. I acknowledge that the purpose of the installation is to provide the appellant new 5G coverage thereby facilitating significantly improved connectivity for the target coverage area. Paragraph 115 of the Framework encourages the use of existing masts, buildings and other structures, stating where new sites are required, such as for new 5G networks, "equipment should be sympathetically designed and camouflaged where appropriate". I note the appellant has confirmed that they would be willing to accept conditions relating to the colour scheme utilised on the proposed equipment. However, such measures would not be sufficient to mitigate the harmfully incongruous and intrusive appearance of the proposal.
9. In so far as they are material considerations relevant to matters of siting and appearance, I find the proposal's identified harm to character and appearance would conflict with the relevant provisions of the Framework, and of the development plan. In particular, the proposal would be contrary to Policy P15 of the Solihull Local Plan (SLP) insofar as it seeks to ensure proposals achieve good quality design, including protecting local character and the quality of the street scene. It would also be contrary to the aims of SLP Policy P14 which, whilst supporting telecommunications developments, requires proposals to have regard to the effect on their surroundings. For similar reasons, the

proposal would conflict with the Balsall Parish Neighbourhood Development Plan Policy BE.2, which requires development to be compatible with the distinctive character of the area. Furthermore, the proposal would not accord with the Framework requirement that development should be sympathetic to the local character (paragraph 130).

10. Chapter 10 of the Framework supports the provision of high-quality communications. Paragraph 114 of the Framework states that “advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.” Paragraph 114 also advises that planning decisions “should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections”. The proposal would provide the public benefit of improved connectivity in accordance with the economic and social objectives of the Framework. There is no basis to question the appellant’s contention that the equipment is necessary to achieve the required standard of network coverage.
11. Paragraph 117 requires for a new mast or base station, evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored. The appellant has followed a sequential approach resulting in the location of the current proposal. The Council does not accept that satisfactory evidence has been provided regarding the unsuitability of alternative sites. Notwithstanding these opposing views, this matter is not determinative in my final decision. That is because, even if I accept the appellant’s evidence regarding the need for the installation to be sited as proposed due to the lack of suitable alternative sites, the significant level of harm to the character and appearance of the area outweighs the benefits of siting the development in the proposed location.
12. The proposed development is not, therefore, acceptable in respect of its siting and appearance.

Conclusion

13. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR