



Appeal Decision

Site visit made on 7 March 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/D4635/W/22/3304900

Redhouse Road, Wolverhampton, West Midlands WV6 8ST

- 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) Limited against the decision of the City of Wolverhampton Council.
 - The application Ref 22/00670/TEL, dated 9 June 2022, was refused by notice dated 30 June 2022.
 - The development is described as “proposed 5G telecoms installation: 15m high street pole and 3 additional ancillary equipment cabinets and associated ancillary works”.
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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 proposed 5G telecoms installation: 15m high street pole and 3 additional ancillary equipment cabinets and associated ancillary works at land at Redhouse Road, Wolverhampton, West Midlands WV6 8ST in accordance with the terms of the application, Ref 22/00670/TEL, dated 9 June 2022, and the plans submitted with it including: 002 Site Location Plan, 215 Proposed Site Plan and 265 Proposed Site Elevation

Procedural 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 to be had to the development plan. Nevertheless, I have had regard to the policies in the Black Country Core Strategy, adopted 2011 (CS), the Wolverhampton Unitary Development Plan 2001-2011, adopted 2006 (UDP), the Interim Telecommunications Policy Supplementary Planning Guidance, adopted 2002 (SPG) and the National Planning Policy Framework (NPPF) 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 proposed development's siting and appearance on the character and appearance of the surrounding area.

Reasons

5. Redhouse Road is a gently curving residential street predominantly comprising detached and semi-detached two-storey dwellings set back from the road by front gardens. The front gardens are landscaped and are either free of boundary treatments or have boundary treatments that are low in height. A large number of allotments are located on the southern side of the road. Street trees are located along the road and the boundary with the allotments comprises a mixed species hedge with hedgerow trees. This creates an open and leafy character and appearance to the surrounding area.
6. The proposed mast (of a street pole design) and associated equipment cabinets would be located on a grass verge along the southern side of Redhouse Road, opposite the junction with Greenacres and adjacent to the allotments. They would be sited between an existing roadside tree, a hedgerow tree and a lamppost, with further trees and the hedge sited behind and to either side. I accept that the proposed mast would extend above the existing vegetation, would be taller than the existing dwellings, and would be taller and have a greater thickness than the adjacent lamppost. However, it would not be significantly taller than an adjacent tree and a large proportion of the mast would be screened by the existing vegetation. Furthermore, the proposal would be set back from the road which, together with the road's curve, would reduce its prominence and visual impact.
7. Lampposts and telegraph poles are located along the length of Redhouse Road and therefore vertical structures are common in the street scene. Furthermore, cabinets are positioned at either end of the allotments adjacent to Redhouse Road and at the junction with Rivendell Gardens. The proposed development would be viewed in conjunction with the existing lampposts and, given the presence of existing vertical structures and cabinets in the street, I am not of the view that the proposal would appear alien or incongruous. While the proposal would introduce development onto this part of the grass verge, the limited number of structures/cabinets and the lack of anything similar in the immediate vicinity would ensure that it would not result in visual clutter that would be detrimental to the character or appearance of the street.
8. Residential properties are located along the northern side of Redhouse Lane. However, the proposal would be sited opposite the junction with Greenacres and therefore, there would be no direct or close view of the proposal from the main habitable windows of these properties. Furthermore, the separation between the proposal and the dwellings together with the relatively slim design of the mast and the limited scale of the equipment cabinets, would not unacceptably harm the outlook from the surrounding properties.
9. Insofar as they are a material consideration, the siting and appearance of the proposed development would comply with Policies ENV3 and CSP4 of the CS and Policies D6, D7, D9, EP20 of the UDP. Amongst other things, these policies seek to ensure that proposals should reinforce local distinctiveness by comprising site-specific design solutions that respond explicitly to the site and its context. It would also comply with the NPPF that seeks to achieve well

designed places and the SPG which, amongst other things, seeks to ensure that telecommunications development has been designed and sited to minimise its impact on the visual amenity of the area.

Conditions

10. Any planning permission granted for the proposed 5G telecoms installation: 15m high street pole and 3 additional ancillary equipment cabinets and associated ancillary works under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must 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

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

A Berry

INSPECTOR