



Appeal Decision

Site visit made on 28 March 2023

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2023

Appeal Ref: APP/Z0116/W/22/3309264

Area of Grass Verge, Bishport Avenue, Bristol, Avon BS13 9JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval 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 Thomas Gallivan (CK Hutchison Networks UK Ltd) against the decision of Bristol City Council.
 - The application Ref 22/03711/Y, dated 28 July 2022, was refused by notice dated 21 September 2022.
 - The development proposed is a 5G telecoms installation: H3G 16m street pole and additional equipment cabinets.
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Decision

1. The appeal is allowed and prior 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 5G telecoms installation: H3G 16m street pole and additional equipment cabinets on an area of Grass Verge, Bishport Avenue, Bristol, Avon BS13 9JQ in accordance with the terms of the application, Ref 22/03711/Y, dated 28 July 2022, and the plans submitted with it.

Preliminary Matters

2. The address in the banner heading above is taken directly from the Appeal Form. This is a more precise description of the appeal site address than that set out on the planning application form.
3. 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, and therefore the Secretary of State, to assess the proposed development solely on the basis of its siting and appearance taking into account any representations received.
4. The Council has referred to several development plan policies. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework), but only in so far as they are a material consideration that are relevant to matters of siting and appearance.

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.

Reasons

Siting and Appearance

6. The appeal site forms part of the highway grass verge situated on Bishport Avenue. Bishport Avenue appears to be a well-used bus route within an urban residential area. A three-storey flatted development is located close to the appeal site, but the area largely comprises 2 storey semi-detached residential dwellings fronting the road, set behind a mix of small front gardens. The appeal site is part of the grassed highway verge, which is adjacent to a playing field. The playing field is open, with a low-lying railing fence and a line of deciduous trees of varying sizes along its edge. The highway verge is wide and includes a footway, generous grassed area, bus stops and shelters, modern street lighting, low-level highway signs and spaced-out deciduous street trees.
7. The proposal would be within an area of the public realm that would be highly visible from localised views on Bishport Avenue Doveswell Grove, Molesworth Drive and Culverwell Road. However, from what I saw on site, the road was a well-used route, and the proposed development would be in the context of other vertical features, such as streetlights, a three storey flatted development, and mature trees on the edge of the road and within the playing field. Although it is taller and wider than the nearest vertical features, such installations are an increasingly common and expected sight on highway verges along well used roads. Also, the slim design of proposed development coupled with the nearby vertical features would also help to ensure that the height of the monopole would not significantly contrast with the domestic scale of the surrounding built form.
8. In respect of the wider views, from greater distances to the east and west on Bishport Avenue, the intervening-built form, the topography and curve of the road together with the trees would lessen the impact of the proposal. From the playing field and the nearby residential streets, the monopole would be visible, but due to the slim design, the level differences as well as the proximity and height of the trees and intervening development, it would not be a dominant or incongruous feature. The proposed finishing colour of green would also help to soften its impact and amalgamate it with the immediate surroundings.
9. Accordingly, having regard to its siting and appearance, the proposed development would not adversely affect the character and appearance of the area. Insofar as they are a material consideration, the proposal would also comply with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 as well as Policies DM26 and DM36 of the Bristol Site Allocations and Development Management 2014. Amongst other things, these policies seek to ensure development is high quality in design, protects the character and distinctiveness of the locality as well as incorporating existing green infrastructure.

Conditions

10. Any planning permission granted for the development 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). This specifies 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 no later than the expiration of 5 years beginning with the date on which the local planning authority received the application. Also, it 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.

M. P. Howell

INSPECTOR