



Appeal Decision

Site visit made on 19 April 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/Q1825/W/22/3307671

Gibbs Road, Redditch B98 8JE

- 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 Redditch Borough Council.
 - The application Ref 22/00890/TEL, dated 25 June 2022, was refused by notice dated 19 August 2022.
 - The development proposed is 5G telecoms installation: H3G street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

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 principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require regard be had to the development plan. Consequently, I have taken into account the policies of the development plan and the National Planning Policy Framework (the Framework) as material considerations but only insofar as the policies relate to matters of siting and appearance.
4. For clarity on the location of the appeal site, the postcode in the site address above is taken from the Council's decision notice rather than the original application form.
5. The appellant's evidence makes reference to a proposed 15m monopole with a wraparound cabinet and three additional equipment cabinets. Whereas the plans submitted to this appeal and referenced on the Council's decision notice do not show a wraparound cabinet. In the interests of transparency to all parties I have based this decision on those submitted plans.

Main Issue

6. 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 the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and Appearance

7. The appeal site is located on an area of grass that is slightly elevated relative to adjacent roads, pavement and surface parking areas. Gibbs Road sweeps around two sides of the appeal site, and provides access to the adjacent local convenience store and parking, community club and nearby residential properties. The adjacent local convenience store fronts on to the appeal site. Residential accommodation at first floor level above the store also has windows that face on to the green space. Buildings in the vicinity of the appeal site are one and two storeys in height. Street lamps are modest in scale. Street trees are widely spaced and also relatively modest in scale.
8. Consequently the appeal site is on a relatively prominent area of green space. Located alongside the convenience store it is a focal point in this predominantly residential area. It has an open, informal character without any fencing or railings on its boundaries.
9. Given the height of the proposed mast relative to surrounding buildings, it would be a prominent addition in the street scene. Also, whilst it would be coloured light grey, it would appear considerably taller and wider than street lamps and trees in the vicinity. As such, it would detract from the pleasant, informal and open character of the existing site, which provides a welcome area of green space. Accordingly the proposal would appear as a conspicuous and intrusive feature, harmful to the character and appearance of the area.

Suitable Alternatives

10. I note the alternative locations considered by the appellant and reasons given for discounting each of those. However, given the harm I have identified, such alternatives must be robustly explored to determine the likelihood of there being less harmful alternatives to the appeal scheme. For example, Site D4 has been discounted by the appellants due to unsuitable pavements or grass verge and visibility splay issues. However that site appears to comprise a wide, flat grass verge. Furthermore, it is not apparent that siting the mast in that location would necessarily result in concerns with respect to visibility splays. In addition, Site D2 was discounted for the same reasons. Whilst comprising a smaller area of grassed land, from the evidence before me and my own observations it is unclear why it is considered unsuitable and whether visibility splays would be an issue in that location.
11. Therefore, the harm from the siting and appearance of the proposed installation on the character and appearance of the area would not be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Other Matters

12. Policy 14 of the Borough of Redditch Local Plan No.4 (January 2014), relating to the protection of incidental open space, is relevant to consideration of the siting of the proposal. This sets out certain criteria to be met where proposals involve the use of incidental open space. Whilst the need for the proposal is not disputed (criterion i), the site does have local amenity value (criterion ii). Although the proposal would not result in the loss of a buffer between different land uses (criterion iii), it has not been demonstrated that there is sufficient alternative space in the locality (criterion iv). In addition, I have found that the site does make an important contribution to the character of the area which would be harmed as a result of the appeal scheme (criterion v). Therefore the proposal would be contrary to the policy as a whole.
13. I recognise the importance of good, fast, reliable and cost-effective communications and the support for high quality communications infrastructure within the Framework. However such equipment should also be sympathetically designed. I note that there is an identified need for improvements to the existing telecommunications network with respect to new 5G mobile coverage. The proposal would not result in constrictions to space on pavements. Reference has been made to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR