



Appeal Decision

Site visit made on 19 June 2023

by H Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/Z0116/W/23/3314108

Grass Verge of Passage Road at the junction with Greystoke Avenue, Westbury on Trym, Bristol BS9 3HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by H3G UK Limited against the decision of Bristol City Council.
 - The application Ref 22/03804/Y, dated 28 July 2022, was refused by notice dated 21 September 2022.
 - The development proposed is upgrade of the existing installation involving the installation of a 20 metre high monopole supporting antennas, with a wraparound equipment cabinet at the base of the column, the installation of 3 no. additional equipment cabinets, the removal of the existing 11.5 metre high monopole supporting antennas, the removal of 1 no. existing cabinet and ancillary development thereto.
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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 a 20 metre high monopole supporting antennas, with a wraparound equipment cabinet at the base of the column, the installation of 3 no. additional equipment cabinets, the removal of the existing 11.5 metre high monopole supporting antennas, the removal of 1 no. existing cabinet and ancillary development, at Grass Verge of Passage Road at the junction with Greystoke Avenue, Westbury on Trym, Bristol BS9 3HR, in accordance with the terms of the application, Ref 22/03804/Y, dated 28 July 2022, and the drawings submitted with it, reference 002 Site Location Plan; 200 Proposed Site Plan; 250 Proposed Shared Elevation A; 251 Proposed Elevation A.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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 Council has referred to development plan policies in its decision. However, the principle of development is established by the GPDO 2015 and Part 16, Class A does not require regard to be had to the development plan. I have had regard to development plan policies and the National Planning Policy Framework (the 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 development on the character and appearance of the area.

Reasons

5. The site is at the edge of a wide grass verge in a predominantly residential area. There is a 3 storey residential building known as Westbury Gardens to the west of the site along with a number of mature trees. On the other side of the road to the northeast and southeast of the site are 2 storey dwellings. There are a number of lampposts in the area as well as road signs. The site is the location for an existing telecommunications mast and cabinets. Therefore, vertical street furniture and telecommunications equipment are an established feature of the streetscene, and the proposal would not be isolated.
6. The location of the replacement monopole would be slightly different but would still be viewed within the same context as the existing mast. The proposed monopole, with antennae towards the top, would be significantly greater in height than the existing vertical structures as well as being wide. Despite this, such telecommunications installations are an increasingly common and expected sight in built up areas and on verges of well used roads such as this.
7. From some perspectives, mature trees would provide screening for the lower portion of the monopole, and from others, the trees and 3 storey Westbury Gardens would be the backdrop against which the monopole was seen. The top section of monopole containing the antennae would break the skyline from certain viewpoints, but I observed that this is already the case for the existing streetlights and mast, so although the proposal would be higher and wider at the top, it would not be significantly more prominent or harmful than the existing situation. Although the topography of the surroundings means the proposal would be visible from outside of the immediate area, closer and more impactful views would be limited by bends in the surrounding roads.
8. The number of cabinets would be increased and would be utilitarian in appearance. Despite this, they are a modest size and would be grouped together with the existing cabinets and the replacement monopole in a way that would not significantly increase the visual impact over and above the current situation.
9. The monopole would be visible from surrounding residential properties. However, the impact on the visual amenity of nearby dwellings would be reduced by the separation distance, across a road, and the fact that much of the monopole would be above the direct line of sight from windows. From the 3 storey Westbury Gardens, the visual impact would be reduced by the angle of view and the intervening trees.
10. Accordingly, having regard to its siting and appearance, while the proposal would be clearly visible from the surrounding area, it would not be incongruous or unduly prominent or visually unsympathetic. It would not cause any significant harm to the character and appearance of the area. Insofar as they are a material consideration, the proposal would comply with the aims of Policy BCS21 of the Bristol Development Framework Core Strategy 2011 as well as Policies DM26, DM28 and DM36 of the Bristol Site Allocations and Development Management Plan 2014, seeking to secure appropriate siting and design.

Other Matters

11. As I have found that the siting and appearance of the proposal are acceptable, I am not required to consider if there are any suitable alternative sites. Notwithstanding this, the appellant has set out the need for the proposal to fill a gap in coverage. Government support is clear with the Framework establishing that decisions should support the expansion of electronic communication networks including next generation mobile technology such as 5G. The Framework also states that decision makers should not question the need for an electronic communications system. I note reference to other appeals but have assessed this appeal on its own specific context and impacts.
12. Concerns were raised by interested parties about the impact of the proposal on the safety of vehicles and pedestrians. The Council did not refuse the application on this basis, concluding that the location of the proposed equipment, within the grass verge, would not result in obstruction to pedestrian movement or impact on the visibility of drivers. Having considered these matters during my site visit, I agree with the conclusion of the Council that no highway safety issues would result from the proposal.
13. Potential effects on health have been taken into account in the context of the Framework. The appellant has provided a certificate to confirm the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy in this regard would be justified. The scope of the application consultation process, legal liability, exclusion zones and house prices are all outside of the scope of this appeal. Comments relating to noise, the sustainability of 5G, and potential impacts on flora and fauna have not been supported by substantive evidence.

Conditions

14. 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 and must begin no later than the expiration of 5 years beginning with the date on which the local planning authority received the application. It also specifies that the development 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

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

H Davies

INSPECTOR