



Appeal Decision

Site visit made on 19 June 2023

by H Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2023

Appeal Ref: APP/Z0116/W/23/3314164

St Aidens Church, Fir Lane, St George, Bristol BS5 8TZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Net on behalf of Cornerstone against the decision of Bristol City Council.
 - The application Ref 22/01142/F, dated 1 March 2022, was refused by notice dated 12 August 2022.
 - The development proposed is the removal of 3 No. antennas and the upgrade of 3 No. antennas, the installation of 1 No. GPS node and associated ancillary development.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve the Grade II Listed St Aidens Church and any features of special architectural interest.

Reasons

3. St Aidens Church is a Grade II Listed Building. The significance of this designated heritage asset is derived primarily from its architectural qualities. It is a focal point within a mostly low rise residential area. The church has a gabled bellcote which forms the highest part of the building. The bellcote has clean and simple lines rising clear of the top of the main church roof. The front or eastern side of the bellcote faces towards Nags Head Hill and Nicholas Lane and is the most visible elevation. Due to the topography and the height of the building, the church and particularly the bellcote are prominent elements within the streetscene in both the immediate and wider area.
4. There are currently 6 antennae on the building, which the proposal would reduce to 3. The element which formed the focus of the Council refusal relates to the proposed removal of 3 antennae located on the eastern gable, just below the bellcote, and their replacement with 2 larger antennae located over a metre higher up, on the front of the bellcote itself.
5. This is the most prominent elevation, with the front of the bellcote highly visible when travelling up the hill along busy Nags Head Hill, particularly around the junction with Nicholas Lane and Fir Tree Lane. Travelling down the hill along Nags Head Hill towards the church, the front of the bellcote is prominent above the roofs of houses. Due to the visibility and prominence of the front of the bellcote, any antennae located there would also be highly visible and prominent.

6. The proposed antennae would not break the skyline in terms of being above the top of the bellcote. Notwithstanding this, they would be set off from the surface so would disrupt the clean lines of the sides of the bellcote and be visible against the skyline from many viewpoints. The proposed larger and higher up antennae would result in a cluttered appearance on the most prominent part of the bellcote. While the existing antennae on the eastern elevation also have a cluttered appearance and there is 1 more of them, they are less visible being located below the level of the bellcote. The harmful impact of the proposal would therefore be significantly greater than the existing situation.
7. An existing antenna on the back or western elevation of the bellcote is to be removed. This is currently the highest antenna on the building and none of the replacements would be located as high. However, this antenna is located on the least prominent elevation of the bellcote. It is visible from quiet Fir Tree Lane but due to the topography, the intervening trees, and the church roof, is not a prominent feature. It is also visible from longer views along Nags Head Hill to the north, but only side on, so is less obtrusive. Due to its location, it is not visible from most of Nicholas Lane or from Nags Head Hill to the east, where it is hidden behind the bellcote. Consequently, while the removal of this antenna would result in visual improvement to the building, due to its lesser prominence, it does not outweigh the increased harm caused to the front of the bellcote as set out above.
8. Painting the antennas to resemble stone would reduce their visual impact to an extent. Despite this, the antennas would still be highly visible, and the higher siting and projection would still disrupt the architecture of the bellcote.
9. In addition to the above, 2 existing antennae on the western gable of the church would be replaced with 1. The replacement would be slightly larger but no higher than the existing and not in a prominent location. The proposed GPS node would be small and not prominently located. Consequently, these elements of the proposal would not result in harm over and above the existing situation.
10. Taken together, the size, height, projection, and level of visibility means that the proposed antennae on the front of the bellcote would be prominent, incongruous and unsympathetic elements which disrupt the architectural features of the church. This would cause additional and unacceptable harm to the special architectural interest of the building, in particular the bellcote, resulting in harm to the significance of the designated heritage asset.
11. The statutory duties in Section 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, relate to the conservation of designated heritage assets, and are a matter of considerable importance and weight. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation¹. The Framework sets out that harm to the significance of a designated heritage asset might be defined as 'substantial' or 'less than substantial'. Planning Practice Guidance advises that in general terms, substantial harm is a high test and that harm resulting from modest or minor development is likely to be less than substantial.

¹ Framework paragraph 199.

12. In finding harm to the Grade II Listed St Aidens Church, due to the modest scale of the proposal, I would quantify the harm as 'less than substantial'. Nonetheless, special attention must be paid to the desirability of preserving the designated heritage asset, so I must attach considerable importance and substantial weight to the identified harm. The Framework requires that where less than substantial harm to the significance of a designated heritage asset is found, the harm should be weighed against any public benefits of the proposal².
13. In terms of benefits, the proposal would upgrade the equipment at the site, resulting in improved speeds and connectivity as well as increased reliability, coverage and capacity, to meet growing demand, in a densely populated area. It would also replace equipment owned by Huawei. This public benefit and its contribution to sustainability and economic prosperity is a material planning consideration that weighs in favour of the proposal. The Framework also makes it clear that planning decisions should support the expansion of electronic communication networks, including next generation mobile technology³.
14. Neither local nor national policy requires the proposal to be the least harmful option possible. However, given the harm identified and the requirement to conserve heritage assets, the potential availability of options which would have a less harmful impact, while providing the necessary coverage, is also a material consideration.
15. I acknowledge that the appellant has followed best practice in seeking to upgrade an existing site as a first option, that the search area is constrained, and that the LPA have not suggested any alternative sites. The appellant states there are no other design solutions available for the site. They also set out the challenges of finding a suitable alternative site in the area due to the topography, limited pavement widths and predominantly low rise buildings. Notwithstanding this, the appellant has not substantiated why a different and potentially less harmful configuration of antennae at the site (such as at different heights or on different elevations) might not be possible. They have provided only outline information on possible alternative sites and no details on why specific alternatives (such as the nearby car sale garage) might be more harmful than the proposal.
16. Therefore, on the basis of the information provided, I am unable to rule out that a different configuration on the church, or an alternative site, would not achieve the same benefits with less harm to the Listed Building. Consequently, I can attach only limited weight to the benefits of the proposal when similar benefits may be achievable with less harm.
17. Taken together, the elements weighing in favour of the proposal would not provide clear and convincing justification, and do not outweigh the identified harm to the designated heritage asset, to which I must give substantial weight. I therefore conclude that the proposed development would not preserve the Grade II Listed St Aidens Church and any features of special architectural interest. The proposal would result in less than substantial harm to the designated heritage asset which would not be outweighed by the public benefits.

² Framework paragraph 202.

³ Framework paragraph 114.

18. Therefore, the proposed development would be contrary to Policies BCS21 and BSC22 of the Bristol Development Framework Core Strategy (Adopted 2011) and Policies DM26 and DM31 of the Bristol Site Allocation and Development Management Policies (Adopted 2014). Together, amongst other things, these policies seek to ensure that development, including telecommunications, is well designed, respects the character and distinctiveness of the area and conserves elements which contribute to the special architectural or historic interest of listed buildings. Furthermore, the proposed development would not accord with the Framework which seeks to support telecommunications but ensure that designated heritage assets are protected.

Other Matters

19. The proposal would accord with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines. As this is an expectation of telecommunications equipment, it does not weigh in favour of this particular proposal.

Conclusion

20. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

H Davies

INSPECTOR