



Appeal Decision

Site visit made on 21 August 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2023

Appeal Ref: APP/Z0116/W/23/3315155

Shirehampton Road, Sea Mills, Bristol BS9 2EE

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Bristol City Council.
 - The application Ref 22/04513/Y, dated 13 September 2022, was refused by notice dated 1 November 2022.
 - The development proposed is a 15.0m Phase 9 slimline Monopole and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the banner heading is based upon that stated on the planning application form, however, I have omitted the superfluous words that do not describe acts of development.
3. As this is an application for prior approval, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, 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.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require consideration of the development plan. I have had regard to the policies of the development plan, related guidance and the National Planning Policy Framework (the Framework) only in so far as they are factors 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, including whether it would preserve or enhance the Sea Mills Conservation Area and, in the event that any harm is identified, whether that harm would be outweighed by the need for the installation to be sited as proposed, taking account of any suitable alternatives.

Reasons

Character and appearance, including the Sea Mills Conservation Area

6. The appeal site is in Sea Mills Square (the Square) which lies at the centre of the Sea Mills Conservation Area (the CA). The significance of the CA is derived from its planned layout which reflects the garden suburb principles, including the post-WWI semi-circular design of the open space which forms the Square. The surrounding residential roads meet in the Square in a symmetrical arrangement, dividing the open space into separate parcels of grassland. The Square is largely enclosed by built form including 2 storey residential and retail development of a similar scale and design, together with Sea Mills Methodist Church which is greater in scale and situated at the apex of the curved section. Despite the presence of the play equipment and a café building within part of the public open space, the green space, mature trees and views outwards along the roads, contribute to the open and verdant character and appearance of this part of the CA.
7. The appeal site is part of the footpath that runs alongside Shirehampton Road, which dissects the Square. There are various items of street furniture including lampposts, a bus stop, bollards, refuse bin, Belisha beacons and telegraph poles near to the site. This part of the Square comprises an area of open grassland with several trees, including a mature oak tree known as Addison's Oak, and a number of semi-mature trees. A tarmac footpath crosses the area of grassland close to the site. Notwithstanding the presence of the footpath, nearby street furniture, play equipment and cafe building, the green open space and trees contribute positively to the character and appearance of the CA.
8. The proposed development comprises a 15m monopole with 3 associated base cabinets at street level. The installation is required to deliver new 5G technology and would provide a significantly improved level of connectivity through the enhancement of coverage in the area. The appeal submissions indicate that the design and height of the monopole is the minimum required to clear surrounding clutter to achieve suitable coverage.
9. Despite the design of the Phase 9 Super Slimline Monopole, due to its height and profile the monopole would be substantially taller and bulkier in appearance than the existing street furniture nearby, including those structures with a vertical emphasis. Moreover, the monopole would be positioned close to the centre of the Square within an area of open space. Consequently, due to its height and siting, it would appear as a prominent and anomalous feature in the street scene and would erode the verdant and open character of the area. In addition, the scale and siting of the monopole, would dominate this area of grassland and would detract from the setting of Addison's Oak, which has a Bristol-wide historical significance.
10. Screening afforded by the surrounding trees, including Addison's Oak, would be limited given that any effect would be restricted to views of the site from only a small number of vantage points and to the months of the year when the tree is in leaf. Furthermore, this would be tempered given that the mast is set forward of the trees in an exposed position within the Square.
11. The ancillary cabinets would be lower in height than the monopole and typical of the form of structures often seen adjacent to the highway. However, given

the number proposed, in addition to the mast, and together with existing items of street furniture near the appeal site, they would lead to undue visual clutter in a prominent location. Whilst it may be that the cabinets themselves could be erected as permitted development, there is no compelling evidence that this would take place in the absence of the proposed monopole. I have considered the appellant's willingness to amend the colour of the monopole, however, there is no authority in this type of case to apply any conditions beyond those as set out in the relevant part of the GPDO.

12. For the foregoing reasons, I conclude the siting and appearance of the proposed development would harm the character and appearance of the area. Accordingly, it would fail to preserve or enhance the character and appearance of the CA and would undermine its significance as a designated heritage asset. Given the localised nature of the harm that would arise to the CA, the harm would be less than substantial in terms of the Framework in this instance, but nevertheless of considerable importance and weight.
13. Under such circumstances Paragraph 202 of the Framework indicates that the less than substantial harm to the heritage asset should be weighed against the public benefits of the proposal. Additionally, paragraph 199 of the Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation.
14. The Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and supports the expansion of electronic communications networks, including the introduction of 5G. Public benefits would arise in terms of improved coverage in the area, to which I attribute moderate weight. Consequently, these benefits would not outweigh the harm to the significance of the CA that would arise. As such, I conclude that the public benefits of the appeal scheme are of no more than moderate weight and would not outweigh the harm I have identified.
15. Therefore, as far as determinative in the matter, the proposal would be contrary to Policies BCS9, BSC21 and BSC22 of the Bristol Development Framework Core Strategy adopted 2011. These Policies seek to protect open spaces which are important for various reasons, including townscape and landscape quality; expect that new development should deliver high quality urban design and contribute positively to an area's character and identity; and require development to safeguard or enhance heritage assets.
16. It would also fail to accord with Policy DM26 of the Site Allocations and Development Management Policies Local Plan adopted 2014 (LP) which expects the design of development proposals to contribute towards local character and distinctiveness by, among other things, responding appropriately to and incorporating existing green infrastructure and historic assets and features; Policy DM28 of the LP which sets out that development should create or contribute to an attractive, high quality public realm that contributes positively to local character and identity; Policy DM31 of the LP in so far as it expects development within a conservation area to preserve or, where appropriate, enhance those elements which contribute to their special character or appearance; and Policy DM36 which supports proposals for new or upgraded telecommunications equipment and installations provided it would respect the

character and appearance of the area and would not be harmful to visual amenity by reason of its siting and design.

17. In addition, the proposal would conflict with guidance in the Sea Mills Conservation Area Character Appraisal (2011), which highlights that unsympathetically sited or non-traditional street furniture can be highly detrimental to the public realm, especially in sensitive areas such as Sea Mills Square. It would also fail to accord with the aims and objectives of the Framework, including those in respect of the siting of communications infrastructure and the historic environment. The proposal would also fail to accord with the aims and objectives of the Framework in respect of the historic environment.

Alternative sites

18. The Framework is clear that the need for an electronic communications system should not be questioned nor should competition between different operators be prevented. However, paragraph 117 of the Framework, indicates that the requirement for the development should be justified, including that for a new mast, evidence should be provided that shows the possibility of erecting antennas on an existing building, mast or structure has been explored.
19. The appeal submissions indicate that the proposal in this location is the only viable option. It is stated that, due to technical constraints the search area in this instance is extremely restricted as the higher radio frequencies used for 5G do not travel as far as existing frequencies. Whilst I acknowledge the appellant's contention that there are no suitable structures or properties that would support a rooftop/site share/upgrade installation within the designated search area, the evidence suggests that only one alternative site that would meet the coverage requirements has been explored. Moreover, there is no detailed analysis of other potential options for alternative locations within the search area, which itself is unclear, including less conspicuous sites or existing structures or buildings.
20. As such, from the evidence available to me I am not satisfied that it has been demonstrated that potentially less harmful alternative sites have been fully explored and that other options are unavailable or unsuitable.

Other Matters

21. Whilst I am sympathetic to the fact that the appeal proposal is a resubmission and that the appellant has attempted to overcome the concerns previously raised, in particular through the amended design, I can only assess the current proposal on the basis of the information before me.

Conclusion

22. The installation would cause significant harm to the character and appearance of the area, including to the significance of the CA. This harm is not outweighed by public benefits. Moreover, I have not been provided with robust evidence that alternative sites have been fully explored to justify the need for the installation in this location.
23. For the reasons given above, the appeal is dismissed.

E Worley INSPECTOR