



Appeal Decision

Site visit made on 3 October 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2023

Appeal Ref: APP/P0119/W/23/3318217

Flaxpits Lane, Bristol BS36 1JY

- 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 South Gloucestershire Council.
 - The application Ref P22/06241/PN1, dated 31 October 2022, was refused by notice dated 14 December 2022.
 - The development proposed is described as 5G telecoms installation: H3G 15m 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 of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan 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 Issues

4. The main issues are:
 - the effect of the siting and appearance of the proposed installation upon 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

5. The appeal site relates to an area of pavement on Flaxpits Lane close to the junction with Holmwood Close. The immediate context is formed of low-rise buildings with a modest scale. This section of pavement is visually prominent due to the linear road alignment and the low scale and position of buildings set back from the roadside. The width of the road and pavement, presence of street trees and low scale of the buildings and its resultant spaciousness positively contributes to the appearance of the area.
6. I acknowledge that the height of the mast has been kept to a minimum and has a functional design. However, the proposed development would appear as an unduly stark and incongruous feature within the street scene and out of keeping with its context. It would be considerably prominent projecting significantly above the built form. There are vertical elements along the street in the form of streetlights and trees, but they are commensurate with the height of buildings in the area.
7. Seen in long views along Flaxpits Lane, the proposed development would be at odds with the low scale of the built form in the area. This visual impact would be compounded by the thickness of the monopole and the antenna at the highest part. The trees located along the road would offer little in the way of screening due to their modest height and spread.
8. The number and scale of the cabinets would also add to the visual impact of the mast, creating a run of cabinets of varying heights and appearance. In my view, the proposal would result in a cluttered and crowded appearance to a part of the street which is currently open eroding the sense of spaciousness that exists.
9. I conclude that, due to its siting and appearance, the proposed development would have a harmful effect upon the character and appearance of the area and so, insofar as they are a material consideration, would be contrary to the aims of Policies CS1 of the South Gloucestershire Core Strategy (2013) and Policies PSP8 and PSP36 of the South Gloucestershire Policy, Sites and Places Plan (2017) which, amongst other things, seek high quality design; seek to ensure that proposals do not have an unacceptable impact on residential amenity and that telecommunications equipment are sited in such a way as to minimise visual amenity or any other negative impact on the built environment.

Suitable alternatives

10. The mast is required to provide new 5G network coverage in the area. The Framework, at paragraph 117, sets out that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. This includes that for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
11. In this regard, a Site Specific Supplementary Information and Planning Justification Statement was before the Council at application stage which includes alternative options and sites that have been discounted. However, the Council contend that sufficient information to demonstrate that there are no

suitable alternative sites has not been provided, but this is not substantiated by any evidence nor is there a critique of the appellant's submission.

12. The appellant advises that the search area is geographically constrained to a densely populated area and refers to six alternative locations that have been discounted. Whilst the appellant's statement may not address in detail the specific issues relating to the alternative sites, it does nevertheless provide some commentary in respect of the sites and the reasons for why they were unsuitable and subsequently discounted.
13. On this basis I have no reason to question the appellant's evidence and in turn I am satisfied they have provided sufficient evidence to demonstrate that a search of alternative options has been undertaken.

Other Matters

14. The Framework advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. It also outlines that the expansion of electronic communications networks, including next generation mobile technology, should be supported.
15. I note that cell coverage is constrained and there are a lack of suitable locations and site sharing is not a viable option. I also acknowledge the economic and social benefits associated with such development as set out in Paragraph 114 of the Framework.
16. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.
17. For the reasons set out above I find that the proposal would be harmful to the character and appearance of the area and do not consider that harm to be outweighed by the general support in the Framework for high quality communications.

Conclusion

18. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR