



Appeal Decision

Site visit made on 18 September 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/Z0116/W/23/3320019

Highways Land, Whitchurch Road, Bishopworth, Bristol, BS13 7RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required 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 Bristol City Council.
 - The application Ref 22/04633/Y, dated 16 September 2022, was refused by notice dated 15 November 2022.
 - The development proposed is described as "15m streetpole style telecommunications mast (galvanised steel), antennas, ground based equipment cabinets (grey RAL7035), associated ancillary development."
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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 (the 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 it into account as a material consideration but only insofar as the policies relate to matters of siting and appearance.

Main Issue

4. In the context of the above, the main issue is whether the siting and appearance of the proposed installation would preserve or enhance character and appearance of the Malago Conservation 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

5. The appeal site is an area of footway on the corner of Whitchurch Road and Church Road. The immediate area is generally residential in nature with some a commercial use opposite and behind the appeal site (post office and office space, and pool building) and is characterised by two-storey semi-detached

dwellings. At this location buildings are set back from the highway behind gardens/parking areas.

6. The proposed development would be located on an area of wide pavement. The appeal site, being on a corner, is in a prominent location and is located on a mini roundabout. Whilst there are streetlighting columns, telegraph poles and overhead lines in the wider area, apart from a street sign the appeal site is devoid of such furniture. A tree is located on the grassed area behind the site associated with the pool building. The existing street furniture is considerably shorter than the proposal and the tree is also modest in scale.
7. Therefore, the proposal would appear visually intrusive and dominant in the street scene, noticeably taller and wider than other existing street furniture and street trees. This would be emphasised by the prominent location of the appeal site at the junction of several roads from which the proposal would be a dominant addition.
8. I note the alternative locations considered by the appellant and reasons given for discounting each of those. I also note that no evidence regarding the reasoning to discount mast sharing or the use of buildings has been submitted.
9. Given the harm I have identified to the character and appearance of the area, alternatives must be robustly explored to determine the likelihood of there being less harmful alternatives to the appeal scheme. There are a number of discounted sites located near commercial buildings or not on a junction (such as on Whitchurch Road and Severn Vale Bowls Club). These have largely been discounted due to underground and overground infrastructure and flooding. However, there is the potential to move the specific location of a mast within these areas. Pavements appear wide in some areas, with other street furniture already located within the footway. Therefore, subject to further investigation this site might reasonably be less harmful to character and appearance than the appeal scheme.
10. I recognise the importance of good, fast, reliable, and cost-effective communications and the support for high quality communications infrastructure within the Framework. Nevertheless, I conclude that the proposal fails to preserve or enhance character and appearance of the Malago Conservation Area and this harm would not be outweighed by the need for the installation to be sited as proposed, considering the potential for suitable alternatives.

Conclusion

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

Tamsin Law

INSPECTOR