



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: 6 October 2023

Appeal Ref: APP/Z0116/W/23/3314678

Bamfield Streetworks, Bamfield, Hengrove, Bristol BS14 0XD

- 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 22/02776/Y, dated 27 May 2022, was refused by notice dated 18 July 2022.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wrapround cabinet at base 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 Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on i) the character and appearance of the area; and ii) pedestrian and highway safety; 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

6. The appeal site forms part of the pavement which runs alongside the road. The surrounding area includes the rugby club and scout hut buildings, larger scale commercial buildings and residential development beyond. The street scene includes various features with a vertical emphasis, including mature trees, lamp posts, telegraph poles and palisade fencing. There is an existing monopole, and 3 ground-based cabinets close to the site.
7. The proposal includes a 15m mast with wrap around ancillary cabinet at its base and 3 additional cabinets. The proposed monopole and equipment cabinets are required to improve digital wireless, mobile coverage within this area with new equipment to facilitate enhanced 5G coverage and network capacity. The appeal submissions indicate that the height of the monopole is the minimum required to ensure suitable coverage and to clear surrounding clutter.
8. Due to its height and position, the monopole would be perceptible in views for a considerable distance in both directions along Bamfield, where it would be seen alongside the existing monopole and other vertical features. Whilst the lower part of the proposed monopole would be viewed against the backdrop of the nearby buildings and trees, the upper section would protrude above the trees and would therefore be seen against the sky. In that respect, the monopole would be an additional tall feature, like the lamp posts and existing mast that stand out against the skyline. The proposed cabinets would be modest in scale and typical of the urban roadside location where such features are commonplace.
9. Nevertheless, the proposal would result in there being a concentration of telecommunications equipment, including the existing and proposed masts and associated equipment cabinets in the same small area. Whilst this would not have a significant effect on the perceived purpose of the footpath, it would result in cumulative visual effects caused by the combination of the vertical structures. Moreover, the associated cabinets would add to the visual clutter of the existing ground-based street furniture sited along this stretch of the footpath. Consequently, the proliferation of these features in a confined area would have an adverse visual effect upon the character and appearance of the immediate area.
10. Even if the associated ancillary equipment cabinets could be installed as permitted development without prior approval, I have not been presented with any compelling evidence that this would take place in the absence of the proposed monopole. Moreover, whilst I note the suggestion that the equipment could be painted in an appropriate colour to help blend in with the surrounding area, the finish of the cabinets would not overcome the harm I have identified.
11. For the foregoing reasons, I conclude the siting and appearance of the proposal would harm the character and appearance of the area. In so far as they are determinative in the matter, the proposal would fail to accord with Policy BCS21 of the Bristol Development Framework Core Strategy adopted June 2011 (CS) which seeks development of a high quality urban design that contributes positively to an area's character and identity, creating or reinforcing local distinctiveness.

12. It would also conflict with the overall aims of Policies DM26 and DM29 of the Bristol Local Plan Site Allocations and Development Management Policies adopted July 2014 (DMP) which collectively seek development to be designed to a high standard and to contribute towards local character and distinctiveness.

Pedestrian and highway safety

13. The monopole and its wrap around cabinet and associated cabinets would be located on part of the existing tarmac footpath. The appeal submissions indicate that the width of the footpath would be reduced to 1.5m.
14. My attention is drawn to the Disability Discrimination Act 1995 (the DDA) which recommends that a minimum of 1.20m width of footway should be kept free of obstructions. However, Manual for Streets (MfS) sets out that the minimum unobstructed width for pedestrians should generally be 2m. Further advice set out in *Inclusive Mobility* indicates that a minimum width of 1.5m could be acceptable where 2m is not achievable, as this should enable a wheelchair user and a walker to pass each other. Nevertheless, it advocates that under normal circumstances, a width of 2m is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters.
15. The focus of the DDA is to set minimum standards to avoid disadvantage to users. Whereas MfS seeks the provision of well-designed high quality urban environments, which includes meeting the needs of all users, by embodying the principles of inclusive design. I therefore attribute greater weight to MfS in this instance given that it is directly concerned with the proper functioning of the public realm.
16. Facilities close to the appeal site including businesses and community uses have the potential to generate a significant level of pedestrian movements, particularly at specific times. Moreover, I note the anticipated increase in pedestrian footfall in the vicinity of the site given its proximity to land at Hengrove Park which is allocated for development in the Bristol Local Plan – Site Allocations and Development Management Policies - Adopted July 2014 (Ref. BSA1401). The site now benefits from outline planning permission which includes residential development of up to 1,435 dwellings as well as office, education, community, sports and commercial uses. These factors suggest that the footpath may, at times, be heavily trafficked by a broad range of users.
17. As with the nearby existing mast and cabinets the proposed monopole and base cabinets would take up a relatively narrow section of the footpath. The remaining space, for a short section of footpath would usually be sufficient for all users, including those with prams, wheelchairs, and mobility scooters to safely pass one another.
18. However, the cumulative effect of the existing and proposed structures in the footway would be a reduction in the width of the footpath for a significant distance. This arrangement would make it difficult for users passing one another to negotiate easily and would be likely to lead to pedestrians or other users needing to stray from the footpath and onto the adjoining carriageway. In addition, at my site visit I observed that vehicles were parked partially on the footpath in the vicinity of the site. This would exacerbate the situation above, potentially further elongating the stretch of footpath which would be

reduced in width and would increase the likelihood of users needing to enter the road to pass one another. The proposal would therefore give rise to a prolonged diminution in the width of the footpath which would not only be an inconvenience for users but would be to the detriment of highway safety.

19. In the absence of any substantive evidence that conflict would not occur between users of the footpath, I conclude that the proposal would have an unacceptable impact on pedestrian and highway safety. In that regard, in so far as they are determinative, it would fail to accord with Policy BCS10 of the CS, in so far as it requires developments to be designed and located to ensure the provision of safe streets and Policy DM23 of the DMP which sets out that development should not give rise to unacceptable traffic conditions and will be expected to provide, among other things, safe and adequate access for all sections of the community.

Availability of alternative Sites

20. The Framework sets out that for a new mast, evidence should be provided to show the possibility of erecting antennas on an existing building, mast or structure has been explored. The appellants' submissions refer to other sites that have been considered and discounted for various reasons and that, given the constrained search area the appeal site is the only viable option.
21. Several sites have been discounted due to their proximity to residential properties, which may give rise to adverse impacts on residential amenity. In addition, others have been discounted due to size constraints, however no specific dimensions of the sites are provided. Moreover, I have not been presented with any comprehensive evidence as to which nearby structures or buildings have been explored and why they are not deemed suitable for the siting of equipment.
22. I therefore find that the search and assessment of possible alternative sites, including the nearby commercial buildings or verges, is not sufficiently robust to demonstrate that a more suitable site may not be reasonably available or that the need for the mast could only be met at the appeal site.

Other Matters

23. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

24. The Framework indicates that equipment should be sympathetically designed and camouflaged where appropriate. The proposal does not meet these aims and would be materially harmful to the street scene of Bamfield and pedestrian and highway safety. It has not been demonstrated that such benefits could not be achieved in an alternative way that would have a less harmful effect.
25. For the foregoing reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

E Worley

INSPECTOR