



Appeal Decision

Site visit made on 23 January 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/P4605/W/23/3325535

Quinton Road, Bournbrook, Birmingham B17 0PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter the 'GPDO').
 - The appeal is made by Cornerstone Telecommunications against the decision of Birmingham City Council.
 - The application Ref 2022/08611/PA, dated 18 November 2022, was refused by notice dated 10 January 2023.
 - The development proposed is installation of a 17.5m height streetworks column supporting 6no. antennas, 2no. 0.3m microwave dishes and the installation of 2no. equipment cabinets partially contained within a retaining wall.
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Decision

1. The appeal is allowed and prior approval is granted under Schedule 2, Part 16, Class A.3 of the GPDO for the installation of a 17.5m high streetworks column supporting 6no. antennas, 2no. 0.3m microwave dishes and the installation of 2no. equipment cabinets partially contained within a retaining wall at Quinton Road, Bournbrook, Birmingham, B17 0PY in accordance with the terms of the application, Ref 2022/08611/PA, dated 18 November 2022, and plans nos. 100 Rev A, 200 Rev A, 201 Rev C, 300 Rev A and 301 Rev C.

Main Issues

2. Schedule 2, Part 16, Class A of the GPDO makes provision for the installation of electronic communications equipment subject to the prior approval process set out in paragraph A.3. This says the developer must apply to the Council for a determination of whether the prior approval of the authority will be required as to the siting and appearance of the development.
3. Consequently, and from the reasons given on the Council's decision notice, the main issues are the effect of the siting and appearance of the proposal on the character and appearance of the area including the effect on trees, 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.

Policy

4. By virtue of Part 16 of the GPDO, the proposal is, in principle, permitted development. As such, there is no requirement to have regard to the development plan.

5. Nevertheless, policies DM4 and DM16 of the Development Management In Birmingham Development Plan Document (DPD), and policies PG3, TP7 and TP8 of the Birmingham Development Plan (BDP) are all material considerations insofar as they relate to issues of siting and appearance. In particular, policies PG3 and DM16 seek to preserve the attractiveness of the area and policies TP7, TP8 and DM4 seek to retain green infrastructure. Similarly, the National Planning Policy Framework (the 'Framework') is also a material consideration as this includes a chapter on supporting high quality communications. I have also had regard to the Birmingham Design Guide which sets out general principles for development.

Reasons

6. The mast would be sited on a wide grass verge alongside Quinton Road which is a long and straight suburban road. The verge separates the main carriageway from a slip road along which there are a row of two storey houses. The verge rises slightly above the main carriageway of the road up to the slip road and the houses there. There is a similarly wide verge on the opposite side of the carriageway. The appeal site is at a relatively high point on Quinton Road, with the road falling away in both directions.
7. The area is primarily residential but with a public house (PH) on the other side of the road at the junction with Cadnam Close. Also at this junction there is an existing telecommunications mast. Other street furniture nearby includes lampposts of around 10m in height, bus stop shelters and low level traffic signage around the aforementioned junction. On the verges that flank the road there are rows of trees.
8. The mast, at 17.5m tall, would be significantly higher than all the other structures, trees and buildings in the area. Moreover, by being on the crest of a hill, the visual effect of its greater height would be exacerbated in long distance views along Quinton Road from both directions. As a result it would appear as an incongruously dominant feature.
9. The parties agree the mast would be around 30m from the nearest dwelling. By being sited at the front of the verge, it would be roughly equidistant from the houses on both side of the road. It would be clearly visible from many dwellings along Quinton Road. However, I do not consider it would appear unacceptably oppressive, given the distances between the development and these houses and its slim design.
10. The Council also raise objection to its potential effect on tree roots. An assessment of the impact of the development on the nearest trees was provided with the appeal. This shows that the development would project into the root protection area of an early, or semi, mature hornbeam tree. However, the incursion into the root protection area would be minimal with the appellant's arboriculturalist estimating 5%. The assessment also sets out that, as the tree is not yet fully mature, it would be able to tolerate some root severance. The Council have not disputed this. In addition, from my site visit, I consider that any pruning of the branches to accommodate the mast would be minimal. It is unlikely therefore that the development would result in unacceptable damage to the tree. The proposal would align with the aims of policies DM4, TP7 and TP8.

11. In summary, although the siting and appearance of the development would not be likely to result in unacceptable damage to the nearest tree and would not unacceptably affect the amenity of nearby residents, it would cause harm to the character and appearance of the area. Overall, this matter carries moderate weight against the proposal. It is therefore not supported by policies PG3 and DM16 in this regard.

Alternative sites

12. Balanced against that harm is the need to establish a 5G network. Chapter 10 of the Framework identifies that high quality communication infrastructure is essential for economic growth and social well-being and specifically states that next generation technology, such as 5G, should be supported.
13. The installation would provide 5G coverage for VMO2 and also boost their existing coverage of 2G, 3G and 4G. The current mast, adjacent to the PH, accommodates Vodafone and VMO2, but is physically unable to accommodate the upgrade necessary to enable the provision of 5G coverage. So continuing to share this existing mast is not a viable option.
14. Siting a mast at the PH has been investigated but discounted as it would reduce parking provision and would require a taller structure than that proposed for the appeal site in light of its slightly lower ground level. Approval for a mast on the opposite side of Quinton Road has already been refused by the Council, and would be much closer to houses. Indeed any siting along this part of Quinton Road other than along the front of the grass verge on the north side of the road, would be closer to houses than the current proposal.
15. The appellant's appeal statement demonstrates that a large number of sites in the wider area have been examined. However, many have been discounted because of narrow pavement widths, closer proximity to dwellings, or lower ground level which would therefore require a taller mast. In addition, a number of other buildings and structures nearby have been considered for use, such as Cadnam Hall, the Kendrick Centre and electricity pylons. But these have also been discounted for practical reasons.
16. Overall, I am satisfied that the site search has revealed no other more suitable sites, including other buildings and existing masts, than the appeal site. This carries significant weight in favour of the proposal. The development would therefore reflect the requirements of policy DM16 in this respect.

Other Matters

17. In relation to the concerns of objectors about the health implications of the mast, the installation would comply with the guidelines of the International Commission on Non Ionising Radiation Protection. The Framework confirms that in such circumstances it should not be necessary to consider further the health aspects. So, whilst I understand these fears, and I have treated local concerns as material considerations, none of the representations provide a sufficient basis to demonstrate that this proposal would be harmful to human health.
18. Concerns in relation to the impact on property values are noted, but as the planning system is primarily concerned with the public interest, these private interests have little bearing on my decision.

Conclusion

19. In summary I consider the moderate harm the installation would cause to the character and appearance of the area is outweighed by the benefits of a high quality communications network facilitated by the proposed development and the lack of any more suitable alternative sites to provide this benefit.
20. Therefore, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

A Owen

INSPECTOR