



Appeal Decision

Site visit made on 6 February 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2024

Appeal Ref: APP/P4605/W/23/3326751

Hodge Hill College Street Works, Hodge Hill College, Birmingham B36 8HB

- 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 Order).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Birmingham City Council.
 - The application Ref 2023/01617/PA, dated 10 March 2023, was refused by notice dated 19 April 2023.
 - The development proposed was originally described as proposed 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 application form is not clear as to whether the application was made in the name of a person or agent. The appellant's submissions are clear that the application was made in the name of the company only.
3. The provisions of the Order 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. In addition, the provisions of the Order do not require that regard be had to the development plan. I am referred to the Development Management in Birmingham Development Plan Document 2021 (DPD), the Birmingham Development Plan 2017 (BDP), the Birmingham Design Guide 2022 (BDG) and the Telecommunications Development Supplementary Planning Document 2008 (SPD). These are material considerations in so far as they relate to matters of siting and appearance. I have also had regard to the National Planning Policy Framework (the Framework) which includes a section on supporting high quality communications.
5. The Framework was revised in December 2023. The most pertinent text of the Framework is unchanged. In these circumstances, neither party is prejudiced by a lack of further consultation in this regard.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposal on a) the character and appearance of the area, and b) on the living conditions of

nearby occupiers at Nos 167-187 Bromford Road, with particular regard to outlook; 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

7. The appeal site is an area to the back of the footway on the easterly side of an entrance to Hodge Hill College. The area on this side of Bromford Road includes large two/three storey educational buildings and ancillary development within its grounds. The opposite side of the road comprises residential development, predominantly two-storey dwellings with front gardens. The street scene includes various elements with a vertical emphasis, including street lighting columns, trees, telegraph pole, traffic light columns, and road signage.
8. Immediately to the west of the entrance is a pedestrian crossing with traffic signal columns, safety railings, equipment cabinets and litter bin. Further to the west (almost opposite No 167 Bromford Road) is a similar installation, with a slimline street pole and three cabinets, all in a green colour.
9. There is another installation located about 30m to the east of the college entrance, allowed on appeal¹. Due to its green colour, the large cabinet of this installation assimilated well into the street scene when viewed against the green railings and trees along the boundary of the college. However, the street pole appeared dominant due to its grey colour and large wraparound cabinet.
10. Due to its height, width/depth, siting and grey colour, the proposed street pole would be highly visible in views along the road, as well as from the college grounds and buildings, and from residential properties opposite.
11. When approaching from either direction along Bromford Road, the proposed street pole and additional equipment cabinets would be seen in proximity to the existing street furniture near the college entrance, resulting in excessive street clutter.
12. Due to its height and position close to the college entrance and the nearby crossing, the proposed street pole would be a highly visible addition to the area that would in combination with nearby street furniture and the installations to the east and west have a jarring and incongruous presence within the street scene.
13. Furthermore, the tree immediately adjacent to the appeal site is immature and of a lower height than others in the area, and thus it would not adequately screen the installation, even when in leaf. Consequently, the installation would appear prominently in view along this section of the road. The proposed grey colour of the installation would appear in sharp contrast to the railings along the boundary of the college.
14. In long distance views, the proposed pole would be seen against the backdrop of the college buildings and screened in part by the trees along the boundary of the college, but less so when not in leaf. Although it would be taller than other

¹ APP/P4605/W/22/3304022

vertical features, it would be viewed against the sky, and therefore it would not be unlike other tall features such as street lighting columns.

15. Consequently, I conclude that the proposal would harm the character and appearance of the area. A compatible colour to the adjacent railings would not overcome the harm that would arise from the combined effects with other street furniture and installations near the college entrance.

Living Conditions – nearby occupiers

16. The proposal would be seen from the windows serving the two storey properties of Nos 167-187 Bromford Road which are opposite to the appeal site. Due to the separation distances, the proposed installation would not appear unduly intrusive from the windows of these properties. Views of the installation from Nos 175 and 177 would be direct but not overbearing.
17. I therefore conclude the siting and appearance of the proposed installation would not harm the living conditions of nearby occupiers at Nos 167-187 Bromford Road, with particular regard to outlook.

Overall Conclusion – siting and appearance

18. I have found that although the proposed installation would not harm the outlook of nearby occupiers, it would harm the character and appearance of the area, when considered in combination with existing street furniture and other nearby installations.
19. In so far as relevant to matters of siting and appearance, the proposal conflicts with Policy PG3 of the BDP, Policies DM2 and DM16 of the DPD and the guidance within the BDG and SPD. Taken together, these policies and guidance seek a high-quality environment; and that telecommunications development is sited and designed to minimise visual impact and does not harm the character and appearance of an area.

Alternative Sites

20. The proposed installation is necessary to provide new 5G coverage. Given the harm I have found above, other siting options are an important consideration.
21. The appellant states that following a desk-based study, no mast/site sharing opportunities or existing buildings/structures were identified within the target area, and therefore a ground-based solution was sought. However, it is not clear whether the appellant has identified the two existing installations which are clearly within the 100m radius search area, and if so, why they may have been discounted. Consequently, I am not satisfied that the appellant has demonstrated that mast sharing opportunities have been identified and assessed.
22. The appellant's evidence refers to six alternative sites. The reasons for discounting alternative sites include insufficient/unsuitable pavements and visibility splay issues. Whilst I recognise that there may be limitations in respect of some of the alternative sites, the reasons given for discounting them are brief and unsupported by any further evidence to demonstrate why they would be more harmful than the appeal scheme or are not viable.
23. Overall, based on all of the evidence before me, I am not satisfied that the appeal proposal represents the least harmful option.

24. In summary, the proposed installation would result in harm to the character and appearance of the area, and I am not satisfied that less harmful alternatives have been fully explored and properly discounted. For these reasons I find the siting and appearance of the proposed installation to be unacceptable. It is clear that the harm I have identified is not outweighed by the need for the installation to be sited as proposed.

Other Matters

25. The fact that the proposal is not within a conservation area nor subject to any environmental designations or any Tree Preservation Order is a neutral factor in my assessment, offering no weight for or against the proposal.
26. I note the support in the Framework and by the Government for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced within the Framework.
27. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, and the overarching imperative in the Framework for development to achieve well-designed and beautiful places.
28. A range of other matters have been raised by interested parties. However, as I am dismissing the appeal on the main issue, and consideration of these matters will not alter my decision, it is not necessary for me to address them directly.

Conclusion

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

J Moore

INSPECTOR