



Appeal Decision

Site visit made on 23 July 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2024

Appeal Ref: APP/P4605/W/24/3340783

Chester Road, Sutton Coldfield B73 5DA

Easting: 409724, Northing: 294399

- 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 Cornerstone Telecommunications against the decision of Birmingham City Council.
 - The application Ref is 2023/05202/PA.
 - The development proposed is the installation of a 17.5m high streetworks column supporting 6no. antennas, 2no. 0.3m dishes and ancillary equipment; the installation of 2no. equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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 the appeal has been made on the same basis.

Planning Policy

3. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance, 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 Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on 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

Siting and Appearance

5. The appeal site is located on a wide pavement alongside Chester Road, adjacent to a supermarket and a parade of shops. The character of the area is primarily commercial, with a number of small shops, commercial units and larger retail units and supermarkets within the wider street scene.
6. The road is busy, in close proximity to a signalised traffic junction, and there is a reasonable amount of street furniture within the wider area, including street lighting columns, traffic lights, traffic signs, a bus shelter, litter bins, and bollards. However, despite this, the pavement and immediate street scene near to the appeal site does not benefit from a large amount of street furniture and the pavement has an open, uncluttered appearance.
7. The proposed street pole would be highly visible along the road, including from longer distance views from the traffic junction. Therefore, notwithstanding the efforts made by the appellant to minimise the design of the proposal by reducing its height and selecting a simple design, with an appropriate colour, it would be taller and thicker than the existing street lighting columns. As a result, on the wide, open pavement, the proposal would appear conspicuous within the street scene.
8. In addition, the street pole would also be substantially taller than the adjacent flat roof buildings. As a consequence, the proposal would be overly dominant within the context of its surroundings, and it would have a stark appearance along the road.
9. I acknowledge that the tree coverage on the opposite side of the road would provide some level of screening from certain views within the area, but not from the road. In addition, as shown on the submitted photomontages, the proposed street pole would be taller than the trees and buildings. Therefore, the upper part of the structure would be visible from wider vantage points.
10. The proposed equipment cabinets would also contribute to the dominant appearance of the proposal, but these are designed to be installed on pavements alongside street furniture and they would be less conspicuous. Nevertheless, due to its dominant appearance, in a prominent location, the proposal would be incongruous within the street scene, and it would detract from the character and appearance of the area.
11. My attention has been drawn to a previous mast that was situated on the appeal site. From the evidence before me, this was a slender pole with a modest height, which is no longer on the site. Therefore, the presence of that former structure, with a significantly different appearance, and which is no longer on the site, has not eased my concern that the proposal would be unacceptably harmful.
12. Consequently, for the above reasons, I conclude that the siting and appearance of the proposed installation would be unacceptably harmful to the character and appearance of the area. Therefore, insofar as they are a material consideration, the proposal would be contrary to Policy PG3 of the Birmingham Development Plan, Policy DM16 of the Development Management in Birmingham Development Plan Document, the guidance within the Birmingham Design Guide SPD, which seek to achieve well designed places, and paragraph 119 of the Framework which highlights that telecommunications sites should be sympathetically designed.

Alternative Sites

13. The purpose of the installation is to provide the appellant with new 5G coverage, thereby facilitating significantly improved connectivity. The Framework supports the provision of high-quality and reliable communications. Paragraph 118 states that planning decisions should support the expansion of electronic communications networks, including next-generation mobile technology (such as 5G) and full-fibre broadband connections. Paragraph 121 states, amongst other things, the application for a new mast or base station should be supported with evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structure.
14. The height of the mast has been reduced from 20 metres following a previous refusal and I have no reason to doubt that the height of the proposed pole is the lowest that would work effectively for the operator in this location, and that the cell search area is extremely contained. On the basis of the evidence before me, I am satisfied that the appellant has demonstrated that there is an identified need for the proposal to be located somewhere in the search area.
15. The appellant has undertaken a search for alternative sites within the constrained cell search area, applying a sequential site selection process including consideration of site sharing and use of existing structures, while also exploring ground sites. Numerous alternative sites were discounted for a number of planning, operational and structural reasons. This included existing rooftops and telecommunications structures, as well as standalone structures. Sites were discounted for reasons including, land and buildings being too low; proximity to underground services; insufficient space within the site; the footway being too narrow; location in relation to surrounding residential properties; the inability to offer structural integrity and an inability to provide viable coverage.
16. It is, however, unclear why consideration has not been given to the large pavement and grass verge opposite the appeal site, on the other side of Chester Road. This site appears to be within the search area and a proposal would benefit from the backdrop of trees and some associated screening opportunities also. There may be reasons why it is not suitable, but I have insufficient evidence before me to be satisfied that it is not a suitable location, which at the very least, should have been explored.
17. On the evidence before me therefore, I find that the site selection process has not been carried out with sufficient robustness to enable me to ascertain that there are no realistic opportunities to erect an installation in a different location where its siting and appearance would be less harmful.

Planning Balance

18. The Framework advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It further provides that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G.

19. The proposal is necessary in order to increase network capacity and provide faster, more reliable connectivity in an urban area. It would offer extensive social and economic benefits to individuals, businesses, and public services. Digital inclusion can help people into employment, become more financially secure and improve their health and well-being. Better connectivity is essential to fulfilling the potential of new technologies. Increased network connectivity makes places safer and public services more efficient. The scheme would be in line with Government aspirations in this context and would support high quality communications and digital connectivity by offering 5G services.
20. I have considered the other appeal decisions¹ put forward by the appellant, which demonstrate the significant weight that should be given to the public benefits of telecommunications infrastructure and that they can be sited and designed appropriately in commercial areas. The lack of suitable alternative sites to deliver improved coverage and capacity is also a consideration which can weigh strongly in favour of the development, as supported by other Inspectors.
21. Overall, I recognise that the proposed monopole has been reduced in height since a previous application which was refused, and it is now as short as it can be in order to ensure optimum coverage in the area. I also acknowledge that the proposal would not obstruct pedestrian movements on the pavement. The public benefits of the scheme also attract significant weight in the balance.
22. The appellant has considered alternative sites. However, given the limitations of this assessment which I have set out above, this does not provide clear and convincing justification for harm which I have identified. Furthermore, the benefits of the proposed installation do not outweigh the unacceptable harm to the character and appearance of the area that I have identified in this case.

Conclusion

23. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR

¹ APP/Z5060/W/21/3279350; APP/J4423/W/22/3300959; APP/P4605/W/21/3278859; APP/Z4310/W/21/3279372; APP/Z5630/W/21/3287342 APP/P4605/W/23/3325535; APP/P4605/W/23/3323480; APP/Y3425/A/02/1084110; and APP/B5480/W/20/3251086.