



Appeal Decision

Site visit made on 28 January 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/C4615/W/24/3353823

Bridgnorth Road, Wollaston, Dudley DY8 3PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Cornerstone against the decision of Dudley Metropolitan Borough Council.
- The application Ref is P24/0198/PN16A.
- The development proposed is base station telecommunications installation. Proposed 20.0m high monopole and headframe on a new 4.3x4.3x1.1m concrete base together with 12 No. antennas, 4 No. ø300mm dishes, 6 No. cabinets, 1 No. meter cabinet and associated ancillary works.

Decision

1. The appeal is allowed and planning permission is granted for base station telecommunications installation. Proposed 20.0m high monopole and headframe on a new 4.3x4.3x1.1m concrete base together with 12 No. antennas, 4 No. ø300mm dishes, 6 No. cabinets, 1 No. meter cabinet and associated ancillary works at Bridgnorth Road, Dudley DY8 3PZ in accordance with the terms of the application, Ref P24/0198/PN16A, and the plans submitted with it including drawing numbers:
 - Site Location Map: 100 REV B
 - Proposed Site Plan: 201 REV C
 - Proposed Site Elevation: 301 REV C

Preliminary Matters

2. Through the submission of the appeal, the appellant has provided further information to support their case. Specifically, this further information relates to 22 discounted sites which were not before the Council or any interested party during their assessment of the proposal at the application stage. This is tantamount to the provision of new evidence at the appeal stage. The total of discounted sites originally submitted was 10. I note that the addresses and the National Grid references noted in the discounted sites section of the initial planning submission accord with several of those in the further evidence provided.
3. Therefore, I have had regard to the 10 sites submitted with the initial application, including any corresponding further evidence which relate to these sites. The Council and interested parties have been provided with the opportunity to comment on this evidence during the appeal process. Therefore, I am satisfied that the Council or any interested party have not been prejudiced by the submission of this evidence. I have therefore accepted and had regard to the evidence, insofar as it relates to the 10 sites originally submitted for consideration.

Main Issue

4. It is sought to erect a 20m high monopole and mainframe with associated antenna, dishes and additional equipment cabinets (the mast). The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 (the GPDO) requires the Local Planning Authority to assess the proposal solely on the basis of its siting and appearance, taking into account representations received. It does not require regard to be had to the development plan.
5. As such, I have considered Policy ENV2 of the Black Country Core Strategy 2011 (CS), Policy D8 of the Dudley Borough Development Strategy 2016 (DDS) and the National Planning Policy Framework (the Framework) only insofar as they are material considerations relevant to the matters of siting and appearance. These policies are those which are cited in the decision notice.
6. The mast would be situated outside of, but in the setting of the Woolaston Conservation Area (CA). It follows that the main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area, with particular regard to the setting of the CA and, if any harm would occur, whether this is outweighed by the need for the installation to be sited in this position by taking into account any suitable alternative sites and the public benefits.

Reasons

Siting and appearance

7. The appeal site is close to, although outside of the boundary of the CA. The CA draws its significance from its low-density character where there is a strong blend of commercial and residential properties, particularly along Bridgnorth Road. There is a close relationship between properties in the core of the CA due to the formation of terraced rows and the density of buildings. Beyond the core of the CA, properties become larger, moving from terraced rows to semi-detached and detached forms as well as historic focal buildings. These include St James Church, St James Court and the Vicarage to the Church of St James which are located along Bridgnorth Road. Some of the historic features of the street scene have been eroded through the introduction of contemporary buildings, modern fascia signs, modern windows and street lighting.
8. The mast would be situated within the grounds of the Woolaston Village Hall, where it is viewable from various vantage points within the area. This location is elevated above the surrounding area due to the rise in topography from Bridgnorth Road. Owing to its single storey flat roof, simple design, significant area of car parking and the provision of tall fencing which surrounds its perimeter, the village hall is an isolated and functional building with large and open grounds. A sub-station is also located at the entrance to the village hall car park.
9. This is a contrast in character to that of the generally residential suburban character found in the wider area. When viewed from within the grounds of the village hall, there would be clear and strong visibility of the mast, with little disguise to its surroundings due to its overall height. However, the mast would not look unexpected in this immediate context, due to the functional appearance and use of the appeal site location within the grounds of Woolaston Village Hall.

10. Surrounding the appeal site are neighbouring residential streets. These include properties along Vestry Court, Foster Place and Lowndes Road. Properties towards the end of Foster Place are located close to the Woolaston Village Hall car park. Several properties in this position would have a strong visibility of the mast. Whilst trees would assist in its concealment, the mast would still be visible due to its overall height, close relationship to the properties on Foster Place and a lack of concealment at its upper levels. When viewed from this vantage point, the mast would appear alien in its context due to its large height and unusual appearance towards the top of the mast behind residential gardens. Therefore, I find that the proposal would cause some harm to the character and appearance of Foster Place when viewed from this position.
11. The appellant contends that occupants at the properties on Lowndes Road would have an oblique view of the mast due to the steep rise in topography and trees located in front of the mast when viewed from this position. These aspects would assist in the concealment of the development from this particular viewpoint at its lower levels. Occupiers of these properties would have to actively look for the top of the mast beyond these elements which assist in its concealment. But, the top of the mast including its antennae would still be visible from Lowndes Road. Nevertheless, existing development along Lowndes Road include modern infrastructure such as floodlights to business premises. As such, owing to the difference in height, distance, difficult in visibility and the experience of existing infrastructure of a similar appearance in this locality, the mast would not appear as a harmful and incongruous addition from this position.
12. Vestry Court is located beyond the grounds of St James Church. Woolaston Recreation Ground is located next to the housing development which includes Vestry Court. The mast sited in this location would be visible from the rear of the properties on Vestry Court which face towards the appeal site and from the recreation ground. In its proposed siting, it would be located behind Woolaston Village Hall and would have a backdrop of tall trees. As such, it is the top of the mast which would be most noticeable from these vantage points. However, these vantage points would be read against the functional appearance of the village hall where there is a contrasting character to that of the wider area. As such, I do not consider that there would be an unacceptable harm to the character and appearance of the area when viewed from this vantage point.
13. Turning to the CA, despite the generally low height of the buildings which make up its core, the mast would not be easily visible from within it. This is due to the close relationships of its buildings, extensive tree coverage both surrounding the appeal site and those within the CA, and the distance between the proposed mast and the core of the CA. Nevertheless, the development would be seen, if consciously looking for it, for a short stretch of Bridgnorth Road when leaving or entering the CA. However, this would be at a considerable distance away, where pedestrians and road users would be travelling in a direction parallel to the proposed structure where views would be momentarily and not harmful to its setting in this particular location.
14. The grounds which surround St James Church would be one location where there would be strong visibility of the mast from the CA. This location is on the periphery of the CA where it adjoins the boundary to Woolaston Village Hall and its car park. A strong line of trees define the boundary of the church grounds from the village hall. These trees were not in full leaf at the time of my site visit. As such, as a very tall structure of a functional and modern appearance, it would be at odds with the traditional character and appearance of this particular area of the CA.

15. Nevertheless, the isolated, functional and contrasting character of the village hall which it would strongly relate to due to its close relationship would alleviate some of this harm. Given such, I find that the impact on the setting of the CA would be limited. Any harm to the setting of the CA, and thus its significance as a designated heritage asset, would be less than substantial. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Alternative sites

16. The supporting information indicates that the proposed development would increase coverage in the surrounding area and would further assist in the roll out of new technology in accordance with the aspirations of the Framework. The application includes the details of 10 alternative sites. These sites are made up of rooftops, locations within business premises, car parks and street work installations. They were discounted for a range of reasons, including the lower land level when compared to the appeal site, incompatibility with the building rooftops considered, a lack of overall coverage, an absence of overall space to comfortably locate the installation within the site of business premises to not impede on their operation and the narrow width of footways.
17. In consideration of the evidence before me and my assessment of these alternative sites during my site visit, the reasons given for the discounted alternative sites are well-founded. The need for a new installation in the area has not been disputed by the Council and it did not put forward any further possible alternative sites. Based on all the evidence before me, including my observations on my site visit, I am satisfied that there is not a more suitable site for the required facility.

Public benefits

18. The proposal would result in less than substantial harm to a designated heritage asset, as well as some harm to the character and appearance of Foster Place from certain viewpoints. As such, the Framework states that where a development proposal will lead to this harm, it should be weighed against the public benefits of the proposal.
19. The Framework supports the provision of high quality and reliable communications, which it states are essential for economic growth and social well-being. Paragraph 119 of the Framework states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology such as 5G.
20. The proposal would provide 5G network services to the local area. It would also replace another installation in the area at the junction of Lowndes Road and Bridgnorth Road. The evidence indicates that the location of the existing mast is not large enough to provide enough space for the infrastructure required, and that there are no other sites close to the appeal site which could be used as a viable alternative site location. In my assessment of these sites, I am satisfied that there is no reasonable alternative for the required facility.
21. There are significant benefits to the public from being able to access high quality mobile communications in economic, social and environmental terms. These benefits include faster access to online services, education and training, as well as the streaming of content and the use of social media. It would also allow businesses to

grow through greater connectivity, amongst other things. These benefits are recognised in paragraph 119 of the Framework. I consider that these would be public benefits which carry significant weight.

Overall balance

22. I have found that the proposed development would be detrimental to the character and appearance of the area. The resultant harm would be localised, limited in scale and would amount to less than substantial harm to the setting of the Woolaston Conservation Area. As such, the proposal would fail to comply with Policy ENV2 of the CS and Policy D8 of the DDS. These policies seek to ensure that development should aim to protect the historic character and local distinctiveness of the Black Country and that proposals for telecommunication installations should not have an unacceptable effect on heritage assets such as conservation areas.
23. In view of my findings set out above, the proposal would conflict with the development plan in that it would result in less than substantial harm to the setting of the CA. However, I have also found that a significant public benefit would be delivered through the provision of improved mobile communications networks, which would outweigh the limited less than substantial harm to the heritage asset which has been identified. The material considerations therefore indicate that, in this case, the proposal should be determined other than in accordance with the development plan.

Other Matters

24. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

Conditions

25. Any planning permission granted for a 20m high lattice tower and its associated apparatus under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin no later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

26. For the reasons given above, I conclude that the appeal is allowed and prior approval is granted.

J Smith

INSPECTOR