



Appeal Decision

Site visit made on 21 January 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/D4635/W/24/3348964

National Grid Goldthorn Hill Radio Station, Upper Villiers Street, Wolverhampton WV2 3JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Joanne Gilsenan (for National Grid Electricity Distribution (West Midlands) PLC and National Grid Telecoms Ltd) against the decision of Wolverhampton City Council.
 - The application Ref is 24/00465/FUL.
 - The development proposed is the installation of a replacement mast and electronic communications apparatus, cable gantry and support poles, prefabricated electricity substation, security palisade and timber fencing, brick wall and ancillary development thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a replacement mast and electronic communications apparatus, cable gantry and support poles, prefabricated electricity substation, security palisade and timber fencing, brick wall and ancillary development thereto at National Grid Goldthorn Hill Radio Station, Upper Villiers Street, Wolverhampton WV2 3JA in accordance with the terms of the application, Ref 24/00465/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: P1628-066-PL-301, P1628-066-PL-303, P1628-066-PL-304, P1628-066-PL-305, P1628-066-PL-306 and P1628-066-PL-307.
 - 3) Should the development hereby permitted be no longer required for the purposes of telecommunications it shall be removed and the land restored to its condition prior to the development taking place.
 - 4) The existing mast as shown on drawing No P1628-066-PL-303 shall be completely removed from the site no later than four months following the mast hereby permitted first coming into use.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the surrounding area, and (ii) the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

3. The appeal site contains an existing latticework radio mast serving a number of uses including mobile phone signals and National Grid communications. It is set back from the road and sits behind a small brick building associated with the mast. However, as it is a tall feature that projects significantly above the surrounding housing and trees, it is broadly visible within the wider area.
4. The appeal site is located near the Goldthorn Hill Area of High Historic Townscape Value (the GHA) which primarily comprises residential development from the early 20th century. The main exceptions to this are the 16th or 17th Century Hill Cottage and the mid-19th Century Goldthorn Pumping Station, both of which are Grade II listed. The area demonstrates the development of this area of this period and contributes to the setting for the abovementioned listed buildings.
5. Goldthorn Pumping Station is a sizeable feature set off Goldthorn Hill between Upper Villiers Street and Fowler Street. It is formed of a red-brick single-storey section served by a stocky, flat-roofed, tower to one end. Attached to it is a two-storey property, of a more domestic character, which appears to be of a similar age. Although in a somewhat tired state its external appearance retained a great deal of historic features that add to its interest and maintain the legibility of its former use.
6. Hill Cottage is located at the junction between Upper Villiers Street and the pumping station. Although later development has surrounded the cottage, the mature planting surrounding it creates a somewhat quiet and discrete space separated from the wider area.
7. I find that the significance of these listed buildings stem from the extent to which they are still intact and how they contribute to the legibility of the surrounding area's development over time. Given the height and siting of the existing and proposed masts both are within the setting of these listed buildings.
8. I understand from the submissions before me that the proposed mast would be largely similar in nature to the existing. The main differences identified are the height of the mast, that it would be square, rather than triangular, based, and that it would be set on slightly lower land. The proposal includes the temporary retention of the existing mast following the completion of the proposed mast. I have therefore considered this situation as part of my assessment below.
9. Although I am mindful of the mast's increased height compared to the existing mast, I consider that this would largely be mitigated by its siting on lower land. The head of the mast would be larger than the existing and contain more equipment, as such it would be a bulkier feature. Moreover, the mast itself would also be bulkier by way of its increased size. However, given the latticework nature of the mast's construction and the compact arrangement of the array, I am content that the increase in bulk would be modest. This is especially so from more distant views and where the mast is seen behind or against vegetation and buildings.
10. Any views of the proposed mast in relation to the nearby listed buildings would be comparable to that of the existing mast. It would also be partially screened by nearby vegetation, most effectively when in leaf, with only the top portion of the

mast most readily visible. As with the existing mast, at this distance I consider the top of the proposed mast would be a somewhat retiring feature against the sky. Given the similarity of the proposal to the existing mast and its relationship with the Goldthorn Pumping House and Hill Cottage, it would not take away from the appreciation of these assets, or overbear on them. Instead, I find the proposed mast on its own would have a neutral impact on their setting and significance.

11. However, there would be an added physical and visual presence whilst the two masts are in place that would be appreciated within the surrounding area, including in the context of the heritage assets. Given the utilitarian appearance of the masts, this increased presence would be detrimental to the residential character of the surrounding area and the interest of the listed buildings' settings. However, I recognise that the two masts would only be concurrently present for a temporary period of time. The appellant has suggested between 4 and 6 months would be necessary to ensure a continuity of service. I am also mindful that any additional harm stemming from the two masts would be removed after this period.
12. Against this background, and given the scale of the development, I find that less than substantial harm to the significance of the designated heritage assets would occur. Although less than substantial, the Framework is clear that great weight should be given to any asset's conservation. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
13. It is clear from the submissions before me that the existing mast is in a poor state of repair and is unsafe. I find that should the mast fall, this could result in significant harm to individuals and their property. Moreover, its failure could compromise the safe operation of the National Grid network and the continuity of power supply to the local and wider area.
14. The replacement of the existing mast and its temporary co-presence with the proposed mast would remove these significant risks and as such would achieve a public benefit. Unlike the harm noted above, these benefits would be long-lived. Given the scale of the risks outlined above, I consider that the public benefit should attract substantial weight.
15. Therefore, whilst I have found less than substantial harm to occur, this would be outweighed by the public benefits outlined above. The proposal would therefore not unacceptably affect the character or appearance of the surrounding area or the setting of the above noted heritage assets. The proposal complies with Policies CSP4, ENV2, and ENV3 of the Black Country Core Strategy (the BCCS) and Policies D4, D6, D7, D9, HE1, HE19 and EP20 of the Wolverhampton Unitary Development Plan (the WUDP). These collectively, and amongst other matters, seek for developments to understand and respond, in form, scale and detailing, to their context, with particular regard to the historic environment. The proposal would also comply with the guidance contained within the Council's interim Telecommunications Policy Supplementary Planning Guidance when considering location and replacement of existing masts.

Living Conditions

16. The appeal site, as noted above, is located within a primarily residential area and is closely related to residential dwellings. As such, I am mindful that a number of windows within the surrounding street will have an outlook towards the existing

mast. In particular, it is the pair of semi-detached dwellings on the opposite side of Upper Villiers Street, which I understand to be Nos 76 and 77, that have the most direct views of the existing mast. I find that their outlook is largely open across the road and past the appeal site towards the trees and other greenery.

17. The proposal would bring the mast slightly closer to Nos 76 and 77 and its increased size would make it more readily visible in their outlook. However, the mast would still be constructed of a latticework allowing views through to the backdrop of greenery which would soften the proposal's appearance. Given the height of the proposed mast I find it unlikely that the head, and its associated apparatus, would be typically visible from these properties and so would not be overbearing or intrusive on the occupiers.
18. Although the existing mast is close to No 68 Villiers Street, its relationship with this property's side windows means that it is not readily visible from, or detrimental to, their outlook. The proposed relocation of the mast would bring it closer to this property but would also make the angle from any windows more acute. I am therefore content that the outlook from this property would not be affected by the proposed development. I am also content that the openness of No 68's rear garden would prevent any adverse harm occurring due to its close proximity to the mast.
19. Although for more distant properties, such as those on Fowler Street, the head of the mast may be visible in their typical outlook, I find the distance from the mast would limit the visual heaviness of the feature.
20. While the presence of two masts at the appeal site may cause some loss of outlook from nearby properties, I am content that this would be modest. Moreover, the two masts would only be concurrently present for a temporary period of time, and this could be controlled via a condition.
21. Therefore, in light of the above, the proposed replacement mast would not be so altered in scale, position or height as to unacceptably affect the living conditions of neighbouring occupiers. The proposal would therefore comply with BCCS Policy ENV3 and WUDP Policies D7 and D8 which collectively, and amongst other matters, seek for proposals to be of a high quality that does not adversely affect the amenity of neighbouring occupiers with particular regard to scale, massing and any overbearing impacts on outlook.

Conditions

22. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
23. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans. In the interests of character and appearance, a condition is also necessary requiring that the apparatus and works approved under this appeal are removed when no longer needed. I note the appellant's suggestion that the phrase "or as otherwise agreed in writing with the Local Planning Authority" be attached to this condition but this is

unnecessary as an application could be made for an alternative scheme of restoration irrespective of this phrase.

24. The appellant has requested that the existing mast be retained for six months following the erection of the proposed mast in order to ensure both the continuity of service and the safe removal of the compromised mast. Although they state it likely any works could be completed within four months, they request six months to account for any issues and delays. However, in the interests of minimising any character and appearance or heritage harm as outlined above, and as an extension of this time could be sought from the Council, I have set the time limit to four months rather than six.
25. I find that controlling the colour of the mast is unnecessary and that leaving the mast unpainted, as is the case with the existing mast, would sit more comfortably with its context. I have therefore not imposed the condition requiring a paint scheme to be submitted.

Conclusion

26. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR