



Appeal Decision

Site visit made on 28 January 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/Z0116/W/24/3354042

Gill Avenue, Fishponds, Bristol, BS16 2ND

- 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 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 EE Limited against the decision of Bristol City Council.
 - The application Ref is 24/02551/Y.
 - The development proposed is the installation of an 18 metre Hutchinson Phase 8 pole with 6no. antennas, 2no. 300mm transmission dishes, 4no. equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority and therefore the Secretary of State 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.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have considered Policy BCS 9 of the Bristol City Council – Core Strategy (2011), as well as Policies DM17 and DM36 of the Bristol City Council – Site Allocations and Development Management Policies Document (2014) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the proposed development on;
 - The character and appearance of the area, including the effect on nearby trees; and
 - Whether any harm caused is outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites.

Reasons

Character and Appearance

5. The appeal site is a grassed area adjacent to the footway on Sheppard Road, opposite the junction to Lanaway Road, which are relatively busy highways providing access to residential areas and a shopping arcade. An area of open space is located to the north of the appeal site and on the western side of Lanaway Road (opposite the proposed development). A terrace of shops with first floor residential accommodation is located opposite the appeal site on Lanaway Road. The immediate area is otherwise generally residential in nature and is characterised principally by two and three-storey semi-detached and terraced properties.
6. Within close proximity to the appeal site is an existing 20m monopole and ancillary development. There are also numerous streetlighting columns, telegraph poles and overhead lines close to the appeal site and in the surrounding area. Trees, hedgerows, and grassed areas of open space in the surrounding area contribute to a verdant character.
7. The proposed development would comprise an 18m high monopole together with associated equipment cabinets at ground level. The proposal is intended to provide new 5G network coverage to the residential area in and around Sheppard Road, Lanaway Road and Gill Avenue. The proposed development would be of functional appearance, typical of telecommunications equipment seen in urban areas generally.
8. The height of the proposed monopole would be some taller than nearby existing streetlights, telegraph poles and trees, although it would be some 2 metres shorter than the existing mast. Whilst the proposal would be read as being grouped with this existing street furniture against a backdrop of trees and open space, apart from the existing mast, it would be noticeable taller and wider than the existing street furniture.
9. Whilst the appellant has provided some visualisations of the proposed development that detail the mast would have a limited impact in long range views, when travelling along nearby roads, Lanaway Road, Sheppard Road, Gill Avenue and The Thornhills, the mast and associated work will be readily visible. The cumulative impact of the nearby existing mast would exacerbate the impact of the proposed installation and would degrade the character and appearance of the area.
10. The proposed development would be a prominent and discordant feature, and I therefore conclude that the siting and appearance of the proposal would be harmful to the character and appearance of the surrounding area.
11. The Council have also raised concerns regarding the potential for the proposal to impact on nearby trees. The appellant has submitted a tree survey and plan detailing root protection areas (RPAs). The tree survey notes that part of the proposed development would be located within the RPA of a nearby tree. It goes on to make a number of recommendations to ensure there would be no harm to the roots of the tree such as the use of special engineering methods for foundations and the erection of protective fencing. I am confident that subject to these measures, the proposed development would not have a harmful impact on nearby trees.

12. I recognise that this location was chosen on the basis of a number of factors with the aim of limiting any potential impacts of the scheme. Indeed, the National Planning Policy Framework (the Framework) states, at paragraph 122, that supporting evidence for a new mast or base station should include 'evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure'. The appellant has confirmed that the existing mast is already being shared by Vodafone and O2 and therefore cannot accommodate an additional provider.
13. However, in my view, the evidence before me is not sufficient to satisfy me that the appellant has expressly considered or discounted potential alternatives. In particular alternative sites, D2, which is more commercial in character, and D6 and D10 where there are wide pavements and limited existing street clutter may be more appropriate.
14. I acknowledge that the proposal would deliver economic and social benefits including the ability to advance 5G technological innovations. However, on the basis of the evidence before me, I do not consider that this would be sufficient to outweigh the very significant harm that would be caused to the character and appearance of the area in this instance.
15. Therefore, for the reasons set out above, I consider that the proposal would cause harm to the character and appearance of the area. Furthermore, I consider that the search for and assessment of alternative sites is not sufficiently robust, and I cannot be certain that there are no other sites available where the harm would be less severe.

Conclusion

16. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR