

Appeal Decision

Site visit made on 5 August 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/P4605/W/25/3366060

Jamia Masjid Haroonia, 766 Alum Rock Road, Birmingham B8 3PX

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Cornerstone against the decision of Birmingham City Council.
- The application Ref is 2024/07722/PA.
- The development proposed is 'Installation of mast, antennas, dishes, cabinetry and all ancillary development.'

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the 'Installation of mast, antennas, dishes, cabinetry and all ancillary development' at Jamia Masjid Haroonia, 766 Alum Rock Road, Birmingham B8 3PX in accordance with the application Ref 2024/07722/PA and the details submitted with it including the following plans: Site Location, drawing number 100, rev B; existing site plan, drawing number 200, rev B; proposed site plan, drawing number 201, rev D; proposed site elevation, drawing number 301, rev D.

Applications for costs

2. An application for costs has been made by Cornerstone against Birmingham City Council. This application is the subject of a separate decision.

Preliminary Matters

3. There is dispute between the main parties as to the total height of the proposed mast structure subject to appeal. The submitted elevation plan¹ clearly shows the mast with a label indicating the top of the proposed antenna at 19.71 metres (m) with a smaller projection above. The appellant argues the total height is 20m, while the Council stated in their delegate report that the height was in fact 25m. I understand that there is a history of applications such as this on the appeal site, with the height being revised from 25m down to 22.5m in two previous proposals. However, the Council has chosen not to submit any evidence with the appeal and as such, based on the evidence before me, in particular the elevation plan, I have assessed the mast based on the 20m height advised by the appellant. The plans are part of the details submitted with the application and as such the mast would be subject to the height specified regardless.

¹ Proposed Site Elevation, Drawing Number: 301, Rev D.

4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. This appeal has been determined on the same basis.
5. I have been referred to policy DM16 of the DPD² and the SPD³. However, the principle of development is established by the GPDO. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require me to have regard to the development plan. The policies are however a material consideration relevant to matters of siting and appearance and have therefore treated them accordingly.

Main Issues

6. The main issues are the effects of the siting and appearance of the mast on the character and appearance of the area and on living conditions of occupiers of adjacent dwellings.

Reasons

Character and Appearance

7. The appeal site comprises a small parcel of land within a larger yard area which I understand is used as parking for the adjacent mosque. The parking area is located behind several houses which front both Sladefield Road and Alum Rock Road. The area is generally residential and formed of predominantly two-storey terraced and semi-detached properties while the mosque building is three-storey and includes an existing antenna system.
8. The main concern of the Council with regards to the effect of the siting and appearance of the mast on the character and appearance of the area relates to its height and general appearance. However, there is little before me to substantiate these concerns, and I did not receive an appeal statement from the Council. Masts are generally taller than adjacent buildings to enable the technology to function properly. At 20m, it would be of a similar height to the mosque building, while the submitted photomontages demonstrate that from 4 local viewpoints, the mast would be visible fleetingly above houses from the junction of Brook Hill Road and Sladefield Road looking east. Otherwise, the mast would not be visible due to built form.
9. Its appearance is utilitarian and reflective of its function, although this is not unusual for masts. Due to the lack of evidence submitted by the Council it is unclear as to whether the mast which it assessed included the larger antennae, which the appellant informs is much bulkier on a 25m height version. Moreover, the lower height allows the mast to incorporate a slimmer profile with smaller antennae, while it was not possible to place the necessary equipment on the existing structure on the roof of the mosque.
10. As per the SPD, the mast has been sited to minimise the visual and physical impact on the character of the surrounding area. While commercial or industrial areas may be preferable locations, the appellant has provided evidence which

² Development Management in Birmingham Development Plan Document (adopted December 2021).

³ Birmingham Design Guide Principles Document Supplementary Planning Document (September 2022)

shows this was not possible in this instance. There is nothing before me to dispute any of this and I see no reason to disagree.

11. As such, the proposal would not harm the character and appearance of the area. Insofar as they are a material consideration, the proposal would comply with policy DM16 of the DPD which seeks to ensure that masts are sited and designed in order to minimise impact on the character and appearance of the surrounding areas.

Living Conditions

12. The Council advises that the mast would be located around 36m from habitable room windows of No.754b Alum Rock Road while No's 59, 61,63, 65, 67 and 69 Sladefield Road would be between 31 and 40m from the mast. However, from my observations on the site visit the rear elevations of several of these properties look out onto extensions and outbuildings while No.754b was surrounded by security fencing which has already impeded its outlook. The mast would appear as a slim profile structure in any outlook from these properties, occupying a small proportion of any views which would be possible.
13. Given the distances of the mast from the views of these properties and in the absence of substantive evidence to the contrary I do not consider the siting and appearance of the mast would harm the living conditions of occupiers of adjacent dwellings with regards to outlook. Insofar as they are material considerations, this would accord with policy DM16 of the DPD and the SPD which seek to ensure proposals are sited and designed in order to minimise impact on residential amenity.

Other Matters

14. I have had regard to the comments of local residents. Some of these matters have been addressed in the main issues of this decision. Other concerns include those related to health issues, although the appellant has provided guidance from the International Commission on Non-Ionizing Radiation Protections (ICNIRP), which has concluded that there is no evidence of adverse health effects for members of the public in this technology. Moreover, the Framework advises at paragraph 123 that decision makers should not set health safeguards different from the International Commission guidelines for public exposure. In the absence of substantive evidence to the contrary, I see no reason to conclude that there would be health issues or concerns related to the mast.

Conditions

15. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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

16. For the reasons given above I conclude that the appeal should be allowed, and prior approval is therefore granted in accordance with the details submitted.

C McDonagh

INSPECTOR