



Appeal Decision

Site visit made on 26 May 2009

by A N Pykett BSc(Hons) PhD MRTPI

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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**Decision date:
4 June 2009**

Appeal Ref: APP/R1845/A/09/2099602

60 The Racks, Bark Hill, Bewdley DY12 2BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Telephonica O2 UK Ltd against the decision of Wyre Forest District Council.
- The application Ref: 08/3010/TE, dated 18 November 2008, was refused by notice dated 8 January 2009.
- The development proposed is the installation of a 10m telegraph pole incorporating a shrouded tri-sector antenna and equipment cabinet and ancillary development.

Decision

1. I allow the appeal and grant approval under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the siting and appearance of a 10m telegraph pole incorporating a shrouded tri-sector antenna and equipment cabinet and ancillary development on land at 60 The Racks, Bark Hill, Bewdley DY12 2BD in accordance with the terms of the application Ref: 08/3010/TE, dated 18 November 2008, and the plans submitted with it, subject to the following conditions:
 - 1) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development.
 - 2) All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Main issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site is located in a paddock adjoining the south side of The Racks – a narrow access track serving half a dozen or so properties off Richmond Road. The paddock lies within the residential area to the west of the town centre. There are a significant number of dwellings to the west, north and east of the site, but to the south the land slopes steeply down to Cleobury Road – the main route into Bewdley from the west.
4. There is an existing telecommunications mast on the land. It is a 12.5m high monopole with exposed antennas, sited approximately 18m to the south-west of the current proposal mast. I saw on my visit that this mast occupies a prominent location at the top of the break of the slope above Cleobury Road. As is shown in the parties' photographs, it is readily visible from the west and south-west – including from the Cleobury Road/Merricks Lane junction, and from the Merricks Lane/Merricks Close junction. It must also be visible from a significant number of houses in the same area – in Fort-Mahon Place, Oakwood Road and Forest Close. From the opposite direction, and at closer quarters, the mast must be visible from houses fronting onto Richmond Road and Hilda Peers Way.
5. Within the terms of the general policy included in Planning Policy Guidance (PPG) Note 8: *Telecommunications*, I have no reason to question the need for the proposed development. To this end, I understand a previous submission was made to replace the existing mast with a shared mast. I gather this would have been 18m in height and disguised as a tree, but it was refused by the council. The current proposal is an alternative for enhancing the necessary provision.
6. I have considered the impact of the proposal from the same directions as those cited above. The pole would be sited some 3m from the southern edge of the carriageway which is delineated at this point by a substantial hedge. The appellant records that the hedgerow trees reach a height of 12m, and the lane is indeed characterised by its enclosure on both sides. Although it may not form such an effective barrier in winter, I believe the impact of the proposed mast on both the lane itself and from the houses on its north side would be very limited.
7. From the opposite direction, the mast and the other equipment would be erected close to the existing hedge. It would be visible from the houses on the other side of the valley, but it would be seen against the background of, or in close association with, the adjacent hedge. In my view its impact would also therefore be limited. The appellant's photomontages indicate that it would be visible against the sky from some vantage points, but I do not consider it would look out of place in relation to the existing trees and buildings in the immediate vicinity. I note in terms of its design that it would be smaller and more orderly than the existing mast, and I do not believe it would give rise to the cluttered effect on the character and appearance of the area which the council fears.
8. In my opinion the proposed mast would not be visible from the lower part of Cleobury Road – where it becomes Winbrook. Notwithstanding its height, I believe it would be hidden by the topography. It would be visible however from at least one dwelling in The Racks, but for similar reasons as those I have

- expressed above, I do not consider the impact of the scheme would constitute an unacceptable effect on residential amenity.
9. I have had regard to the location of the project in relation to the Bewdley Conservation Area. This extends from the town centre along the south-facing slope of the valley between Cleobury Road and The Racks. The areas of residential development to which I have referred are not included, and the appeal site itself also lies just outside the boundary. For similar reasons to those I have recorded above, I do not consider the scheme would have an adverse effect on either the setting of the conservation area, or on views into or out of the area. In my view the principal contribution to the townscape of the conservation area hereabouts is the wooded slope between the main road and The Racks, and the scheme would have little impact on this component of the street scene. I therefore see no conflict with the advice included in PPG15: *Planning and the Historic Environment*.
 10. It is evident from my consideration of this case that the adjacent vegetation is an important consideration. In the event of the appeal succeeding, the council has suggested the imposition of a condition requiring a substantial landscaping scheme. This would surround the site and soften the impact of both the current proposal and the existing mast. The appellant contends the latter part of the rationale would be in conflict with the test of relevance recorded in paragraph 14 (iii) of the Annex to DoE Circular 11/95: *The Use of Conditions in Planning Permissions*.
 11. I agree with the appellant that a condition to ameliorate the impact of the existing mast would fall outside the terms of the test to which I have referred, but in view of the observations I have made, I consider a landscaping condition would be both reasonable and necessary in relation to the current proposal. In the light of the proximity of the proposed mast with the existing hedgerow trees, a condition would also be necessary to secure the replacement of any plants which may be adversely affected by the development itself, or which may become defective for any other reason.
 12. I have taken account of the additional matters raised at the application stage, including fear of an alleged adverse effect on the health of nearby residents. I note however that the appellant has issued an ICNIRP Declaration, and PPG8 records that the planning system is not the place for determining health safeguards. I am also satisfied that alternative sites have been considered in accordance with both the PPG and the local plan.
 13. I conclude on this basis that the proposed mast would not have an unacceptable impact on the character and appearance of the surrounding area. It follows that I further conclude the project complies with the criteria included in Policy TR.20 of the *Wyre Forest District Local Plan*, and conflicts with the purposes of neither Policy LA.6 nor CA.1.
 14. It is for the reasons given above that I have concluded the appeal should be allowed.

Andrew Pykett

INSPECTOR