



---

## Appeal Decision

Site visit made on 23 October 2017

**by J Ayres BA Hons, Solicitor**

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

**Decision date: 27<sup>th</sup> November 2017**

---

**Appeal Ref: APP/G1250/W/17/3180066**

**East Howe Service Station, 271-275 Kinson Road, Bournemouth BH10 5HE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015.
  - The appeal is made by CTIL and Vodafone Ltd against the decision of Bournemouth Borough Council.
  - The application Ref 7-2016-18550-LB, dated 25 November 2016, was refused by notice dated 18 January 2017.
  - The development proposed is the installation of a shared 12.5 metre high 'telegraph pole' supporting 3 no. antennas within a shroud at the top of the pole, the installation of 2 no. radio equipment cabinets and an electrical meter cabinet, and development works ancillary thereto.
- 

### Decision

1. The appeal is allowed and approval is granted for the installation of a shared 12.5 metre high 'telegraph pole' supporting 3 no. antennas within a shroud at the top of the pole, the installation of 2 no. radio equipment cabinets and an electrical meter cabinet, and development works ancillary thereto at East Howe Service Station, 271-275 Kinson Road, Bournemouth BH10 5HE in accordance with the application Ref 7-2016-18550-LB, dated 25 November 2016.

### Main Issue

2. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the living conditions of the occupiers of surrounding properties.

### Reasons

3. Kinson Road provides a mixture of residential and commercial properties and the area appears to be a busy hub of activity. East Howe Service Station occupies a prominent position due to the topography of the area and its proximity to the busy Kinson Road.
4. The proposal would result in a 12.5 metre high mast and associated equipment to the rear of the garage. There are a number of street lights and telegraph poles in close proximity to the site as well as an array of lighting columns and highway signage, and cabinets are also visible in the forecourt of the service station. The small commercial hub on nearby East Howe Lane also hosts a range of street furniture and lighting. Therefore vertical structures are common features within the street scene in this area, and the proposal would

not be seen as an isolated structure. There are a number of mature trees interspersed along a number of the boundaries of the garage site, and in the area generally, which would provide some screening for the mast, and would restrict it from appearing as an overly dominant feature.

5. The design would be a simple pole with shrouded antennas and would be finished to resemble a telegraph pole in colour and texture. The proposal would not be out of context with the appearance of the garage paraphernalia and the nearby street lights, telegraph poles and other street furniture. The mast would be taller than the garage and the tree line. However, taking into account the busy nature of the site with regards to existing street furniture, signage, and trees, the height of the mast would not appear overly dominant in relation to the other vertical elements in the street scene.
6. The garage arguably has a rather strident commercial presence within the immediate vicinity of the neighbouring residential properties. The garage has residential properties to the sides and rear, and is situated at a slightly higher position than those properties at the rear. The general noise, level of lighting, customer and delivery movements and other associated activities at the garage are likely to have a significant impact on the living conditions of neighbouring occupiers. The impact of the mast would be limited due to its design and its presence within the context of the garage. As such it would not be overbearing or oppressive in respect of its effect on the neighbouring occupiers in Moorside Road.
7. The mast would adjoin the boundary with the neighbouring bungalow at No 277 Kinson Road. There is mature planting and vegetation along the boundary, and the amenity space generally appears to be on the other side of the property to which the mast would be sited. The majority of views of the mast would be from the amenity space of No 277, which would be of the upper part of the mast, as it would be partly shielded by the bungalow. Views of the lower section of the mast and ancillary equipment would be shielded by the existing boundary treatment.
8. For these reasons, I conclude that the siting and appearance of proposal would not result in harm to the character and appearance of the area or materially harm the living conditions of the occupiers of surrounding properties. It would therefore comply with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012) and saved Policy 5.11 of the Bournemouth District Wide Local Plan (2002) which, amongst other things, seek to ensure that development proposals respect the site and its surroundings and safeguard residents' quality of life.

### **Other matters**

9. Concerns have been raised about potential effects on health. However, 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). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

### **Conditions**

10. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. Consequently I have not imposed any additional conditions.

### **Conclusion**

11. For the reasons above and having regard to all other matters raise, the appeal is allowed.

*J Ayres*

INSPECTOR