



Appeal Decision

Site visit made on 2 March 2021

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2021

Appeal Ref: APP/V1260/W/20/3263015

Junction of Iddesleigh Road and Charminster Road, Bournemouth, BH8 8UW

- 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 MBNL against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2020-18550-MF, dated 7 May 2020, was refused by notice dated 2 July 2020.
 - The development proposed is the installation of a 20 metre phase 8 pole with wrap-around cabinet built around the base, 3no. new equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address has been taken from the Council's Decision Notice, rather than the application form, as it more accurately describes the actual site location. The appellant has confirmed acceptance of this.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority 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.

Main Issue

4. The main issue is the effect of the proposed replacement 20 metre (m) street pole and additional cabinets on the character and appearance of the street-scene and the surrounding area, including on the setting of the Wimborne Road Cemetery.

Reasons

5. The appeal site is an area of widened footway on the eastern side of Iddesleigh Road at its junction with Charminster Road. A 2-storey block of flats known as Regency Tower sits just to the north of the appeal site, with the surrounding area containing further residential properties, generally of 2 storeys in height, along with commercial properties up to 3 storeys high along Charminster Road to the north-east. Wimborne Road Cemetery, a Grade II Registered Park and

Garden, comprising a large diamond-shaped, well-treed area lies to the west. Tall, mature trees line its boundaries and its Charminster Road entrance, which is just across the road from the appeal site. Further tall trees line the northern side of Idlesleigh Road.

6. There is an existing telecommunications base station at the appeal site, shared by EE (UK) Ltd and H3G (UK) Ltd – the same operators who are pursuing the current application. The installation was originally allowed on appeal in 2007, and was upgraded in 2016. It currently comprises an 11.7m high monopole with a small wrap-around cabinet at its base, together with 4 associated equipment cabinets positioned at the back of the footway.
7. The appeal proposal seeks to further upgrade this existing base station by replacing the monopole with one which would be 20m high, and installing additional cabinets, so as to increase coverage and capacity and to enable capability for 5G technology. One of the existing cabinets would be removed, and 3 additional cabinets would be installed. The new pole would be installed 8.1m to the south of the existing monopole to minimise coverage downtime during construction by allowing both poles to operate together for a short period of no longer than 6 months. The existing pole would then be removed.
8. In my assessment, the presence of an existing telecommunications installation at this location does not automatically mean that this site is suitable and appropriate for an upgraded installation of the size and scale proposed here. It seems to me that the primary physical feature which made this location suitable for the existing installation was the widened area of footway, which has meant that the monopole and equipment cabinets have been able to be installed without unacceptably impinging on the movements of pedestrians.
9. However, this widened area of footway does not mean that this site is necessarily suitable for an increased scale of installation. Insofar as the proposed additional equipment cabinets are concerned, I acknowledge that as their volume would not exceed 2.5 cubic metres, they would be permitted development, not needing prior approval or a grant of planning permission from the Council. But in my opinion these additional cabinets would clearly add to the street clutter at this location, and as the 2 westernmost cabinets would be sited on a narrower section of footway, they could clearly impinge on the free flow of pedestrians at this location. This weighs against this proposal.
10. I further acknowledge the appellant's comments that the height and girth of the proposed pole is the minimum capable of providing the technological improvements sought, and to ensure compliance with ICNIRP¹ requirements. The appellant has explained that the existing monopole is unable to accommodate the equipment or meet these requirements. These points are not disputed by the Council, and there is no evidence before me to cause me to take a contrary view. However, the proposed pole would be in excess of 8m taller than the existing monopole, and would be noticeably wider, with a larger and wider upper part, and with a larger wrap-around cabinet at its base.
11. Figures stated by the Council, and not disputed by the appellant, indicate that 15m of the proposed pole would be at least double the width of the existing monopole, with the antennas positioned at the top 5m of the pole giving a width of around 0.8m. As such it would be a very noticeable, bulky and

¹ ICNIRP: International Commission on Non-Ionizing Radiation Protection

- prominent feature in this part of the street-scene, notwithstanding the fact that there are other vertical items of street furniture in the locality, such as lamp posts and a CCTV post. These are clearly much lower and more slender than the proposed pole and, in my view, neither they nor the existing monopole set a precedent for a pole of the size and bulk now proposed, at this location.
12. Importantly, the proposed pole would be sited very close to much lower, predominantly 2-storey residential buildings, including the small block of flats at Regency Tower, immediately to the north, with the boundary of this property being less than 10m away. This relationship would differ markedly from the situation in one of the example appeals² used by the appellant to support the current case, where that Inspector made a particular point of noting that the proposed pole would be '*set away from residential development*'. That would plainly not be the case here.
 13. It is unclear to me how the proposed poles in the other allowed appeals cited by the appellant sat alongside other nearby buildings, and what the road layout and street features were, as I have not been provided with layout details or maps. It is the case, however, that each proposal has to be assessed on its own merits, and insofar as the current proposal is concerned I consider that this 20m pole would unacceptably dwarf the generally domestic scale development in the surrounding area, would be unduly close to residential development, and would appear harmfully out of keeping in this part of the street-scene.
 14. It would also have an adverse impact on the setting of the Wimborne Road Cemetery, a designated heritage asset, as it would appear as a prominent, distracting and somewhat incongruous feature sited so close to one of the cemetery's main entrances³. This would be at odds with paragraph 200 of the National Planning Policy Framework (the Framework), which requires new development within the setting of a heritage asset to enhance or better reveal their significance. That said, the tall trees around the cemetery's boundary would shield much of the proposed pole in views from further along Charminster Road to the south-west, with the trees along Iddesleigh Road providing similar shielding in views from the north-west.
 15. From some locations along Charminster Road to the north-east, the lower part of the proposed pole would be seen against the backdrop of the tall trees surrounding the cemetery, but with its currently proposed light grey colouring, it would not blend into this background. I have noted the appellant's comments that this light grey finish is proposed as the majority of the pole would be seen against the sky, which undoubtedly would be the case – but it does mean that the impact on the setting of the cemetery could well be more pronounced. If coloured green, like the existing monopole, it clearly would be less noticeable with trees as a backdrop – but would have greater prominence when viewed against the sky.
 16. However, for reasons set out above, the proposed pole would only really impinge on the cemetery's setting in a fairly restricted area, around the Charminster Road/Iddesleigh Road junction. Moreover, it would only be seen in glimpsed views from within the cemetery itself, because of the extensive tree

² App Ref APP/M5450/W/20/3244354

³ This entrance was locked closed at the time of my site visit, and it was unclear to me whether this was a permanent arrangement, or simply the situation pertaining during the Coronavirus lockdown

cover. With these points in mind, I share the Council's view that less than substantial harm would be caused to the setting of this heritage asset. In these circumstances paragraph 196 of the Framework requires this harm to be weighed against the public benefits of the proposal, an exercise which I carry out later in this decision.

17. Drawing the above points together, the proposed pole would be a much more prominent and visually dominant feature than the current installation. I therefore conclude that it would have a significant adverse impact on the character and appearance of the street-scene and the surrounding area, and would also adversely impact upon the setting of the nearby Registered Park and Garden. In addition, the increased number of cabinets would add to the street clutter at this location. With all these points in mind I share the Council's view that the appeal proposal would be at odds with the development plan policies cited in the reason for refusal.
18. These include Policy CS41 of the Bournemouth Local Plan Core Strategy (CS), adopted in 2012, which states that the Council will seek to ensure that all development and spaces are well designed and of a high quality. In this case, for reasons set out above, I do not consider that the scale, siting and appearance of the proposed development would respect the site and its surroundings, as required by this policy. Nor would the proposal contribute positively to the appearance of the public realm, enhance character and local distinctiveness, or conserve and improve the townscape.
19. The fact that the appeal proposal would result in less than substantial harm to the setting of the Registered Park and Garden would also place it in conflict with CS Policy CS39 which, amongst other things, seeks to protect designated heritage assets from proposals that would adversely affect their significance.
20. Like CS Policy CS41, Policy 5.11 of the Bournemouth District Wide Local Plan (BDLP), adopted in February 2002, also requires the siting and external appearance of telecommunications equipment to be designed so as to minimise its impact on visual amenity, while respecting operational efficiency. For reasons already given above, the appeal proposal would conflict with this requirement. I explore further criteria of this policy in the following section.

Other Matters

21. The appellant has put forward a number of matters which it argues weigh significantly in the appeal proposal's favour, and mean that approval should be granted. In practical terms the appellant explains that the tall trees in the area attenuate the radio frequency transmissions, with this being the principal reason why there is a need to increase the height of the monopole, so that the antennas are clear of this 'tree clutter'. The appellant maintains that there is also a requirement to increase the capacity of the shared base station and 'future-proof' against the need for further expensive upgrades for the foreseeable future. On this latter point, I consider the proposal would accord with the final criterion of BDWLP Policy 5.11.
22. The appellant further points out that the upgrading of existing infrastructure, including the provision of 5G technology, is a key Government aim which will support enhanced economic growth and social inclusion and well-being. I acknowledge these points, and accept that the Framework is very supportive of the need for high quality communications, as set out in its Section 10, with

paragraph 112 making it clear that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G.

23. The Framework does, however, also explain that where new sites are required, such as for new 5G networks, equipment should be sympathetically designed and camouflaged where appropriate. I acknowledge that this is not a new site, but it would be new in the sense that a markedly different scale of installation is now sought. I fully acknowledge that as a general principle, upgrading an existing installation could be preferable to finding a totally new site, as this would help to keep the number of radio and electronic communications masts, and the sites for such installations, to a minimum, in line with paragraph 113 of the Framework and criteria 4 of BDWLP Policy 5.11. But I am not persuaded that this is necessarily always the best solution, with the current case lending weight to that view, for reasons discussed under the main issue.
24. I acknowledge that the ongoing Coronavirus pandemic has highlighted the social benefits of mobile connectivity and innovation, which have enabled people to stay in touch by both voice and video calling during the extended periods of lockdown. I further accept that such matters can assist in improving social wellbeing, by providing access to social networking sites and various forms of entertainment. These factors clearly lend support and weight to the appeal proposal, and I have noted the appellant's comment that the pressure to provide improved mobile connectivity in this part of Bournemouth is significant. No firm, contrary evidence on this point has been placed before me, and I see no reason to dispute it.
25. A further criterion of BDWLP Policy 5.11 requires alternative locations for telecommunications installations to be explored. In this regard the appellant's Appeal Statement notes that the surrounding area is low-build, dominated by 2/3 storey, pitched-roof buildings meaning that there are no buildings high enough to provide coverage to the target area. It also states that 4 locations within the street environment were investigated by design, radio and build engineers but they were not found suitable. The appellant comments that none of these sites is better in planning terms than the appeal site, and states that as a result it is unlikely that a relevant consent would be achieved at the local planning authority level at these other locations. But as the detail of these alternative sites has not been placed before me, I am not able to form my own view on this matter.
26. I do, however, find the evidence submitted in this regard to be somewhat confusing, as consultation information submitted with the appellant's Final Comments appears to indicate that as well as the 4 streetworks locations referred to in the Appeal Statement, the existing location was also investigated for possible upgrade but appears to have been dismissed as not suitable. The reason for not choosing this site is given as *'This existing mast was considered however, it is not a shareable structure in its current form and cannot accommodate any further operators. It would require significant redevelopment and a completely new mast of substantial width and height; therefore redevelopment would be visually intrusive within the street scene, compromise pedestrian movements and impact on highway safety'*. To my mind this has to raise questions as to the suitability of this site for the proposed upgrade, and whether or not the range of possible alternative locations has, indeed, been fully, carefully and rigorously assessed.

Planning Balance and Overall Conclusion

27. As the appellant rightly points out the Town and Country Planning Act 1990 requires that applications such as this should be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. It is therefore necessary to balance the benefits and disbenefits of the proposal.
28. I consider that the upgrade to digital telecommunications capability in this part of Bournemouth, which would allow for additional coverage and capacity, including the introduction of 5G technology, would give rise to clear potential economic and social benefits. As paragraph 112 of the Framework states, advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. These benefits therefore have to carry significant weight. As such, I consider that these public benefits would outweigh the less than substantial harm to the significance of the Grade II Registered Park and Garden, namely the Wimborne Road Cemetery.
29. However, I also give substantial weight to the disbenefits which would arise from the proposed development, as a result of its significant adverse impact on the character and appearance of the street-scene and the surrounding area, as set out under the main issue. As a consequence the proposal would give rise to clear conflicts with the development plan, for reasons given earlier. For reasons also set out above, I have some doubts as to whether or not the range of possible alternative locations has, indeed, been appropriately assessed. In my opinion this uncertainty has to also carry some weight against this proposal.
30. Having regard to all the matters set out above, and having considered the various representations made, it is my overall conclusion that the benefits of this proposal would not outweigh the disbenefits. I therefore conclude that this appeal should be dismissed.

David Wildsmith

INSPECTOR