



Appeal Decision

Site visit made on 15 September 2021

by Mrs H Nicholls FdA MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 08 October 2021

Appeal Ref: APP/V1260/W/21/3276438

BOU12870 - Talbot Road Streetworks, Talbot Road, Winton, Bournemouth BH9 2EU

- 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) (England) Order 2015 (as amended).
 - The appeal is made by Hutchinson 3G UK Ltd against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2021-18550-NE, dated 22 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is the installation of a 15 metre-high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal application plans were revised prior to the decision being made, with the reduction of the monopole height from 20 metres to 15 metres. As a consequence, I have considered the appeal on the basis of the revised plans and taken the description of development from the Council's decision notice.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraphs A.3(4) and (7) 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.
4. During the course of the appeal, a revised National Planning Policy Framework (July 2021) (the Framework) was published. The revised Framework supports high quality communications infrastructure and requires that local planning authorities must determine applications on planning grounds only. In accordance with the provisions of the GPDO, and subject to any relevant exception, limitation or condition specified therein, development by, or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network, is permitted development. Therefore, matters such as the need for, or benefits of the development are not at issue in this appeal.

5. Similarly, the provisions of the GPDO do not require regard be had to the development plan. However, I have had regard to the policies of the development plan and the Framework only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

6. The main issue is the effect of the scheme's siting and appearance on the character and appearance of the area.

Reasons

7. The appeal site comprises an area of verge adjoining the southern footway alongside the A3049 Talbot Road, in close proximity to a bus stop. The surrounding area is predominantly residential, with buildings of up to three storeys and with pleasant, spacious and verdant qualities. Street furniture such as streetlights, road signs and telegraph poles feature within the immediate locality. There is an area of green open space largely enclosed by trees immediately behind the appeal site. Beyond the open space is the boundary of the Meyrick Park and Talbot Woods Conservation Area (CA).
8. The appeal proposal is to site a 15m telecommunications mast with ancillary equipment including ground cabinets to improve the existing mobile signal offering in the area and to provide a '5G' network.
9. The combination of the mast, which would be significantly taller than any of the existing vertical elements that feature in the area, such as traffic signs and trees, and the spread of the ground-based equipment, including four cabinets, would result in a cluttered and incongruous feature cluttering the very visible area adjoining the A3049 footway. This area is used by pedestrians, bus passengers and users of the adjoining open space in addition to being passed frequently by transient road users.
10. While I appreciate the proposed mast must be taller than other objects in the vicinity in order to 'see' over obstructions, the large size and alien, utilitarian appearance of the proposed equipment would appear out of scale and overly prominent within its setting. Whilst the trees on the adjoining open space would provide a degree of backdrop, they would not sufficiently reduce the visual impact on the streetscene of the mast given its size. Nor would the existing proliferation of street furniture provide a context that would allow utilitarian infrastructure of such a scale to assimilate well with its surroundings.
11. Similarly, whilst it is alleged that the proposal would not be sited within a direct line of sight of residential properties, I find that its alignment and proximity to the flats at Conel Court would result in some occupiers having full and clear views of the intrusive proposal from their more restricted outlook.
12. I note that the proposal has been altered from a 20 metre monopole and that its design and appearance would be as simple and as subtle as possible, without a headframe and grey in colour. However, these factors do not reduce the harm that the proposal would have on the pleasant character and appearance of the surrounding area. Additionally, whilst it has been put to me that the proposed cabinets do not require prior approval, they are shown on the submitted plans and included in the description of development and have therefore been considered as part of the appeal scheme.

13. Due to the proposal's scale and proximity, it would also be visible from certain viewpoints within the nearby CA. It would bear little resemblance to any buildings or features from which the CA draws its significance and would not be a positive setting feature. However, the visibility would be restricted by trees and buildings and would further diminish with distance from the appeal site. As such, I consider that the proposal would not harm the CA's setting.
14. Notwithstanding the absence of harm to the setting of the CA, the proposal would still have a harmful effect on the character and appearance of the surrounding area.
15. Insofar as they are material considerations, I have also had regard to Policy 5.11 of the Bournemouth District Wide Local Plan (Local Plan) (2002) and Policy CS41 of the Bournemouth Local Plan Core Strategy (2012), which, amongst other things, promote the importance of quality design and seek to ensure that the location or landscaping requirements of telecommunications equipment have been designed to minimise the visual impact of such.

Other Matters

16. The evidence indicates that there are no suitable existing masts or structures, which has resulted in the need for a new freestanding site and that other sites have been discounted due to them being less suitable. Alternative site no 3 has been discounted due to the anticipated degree of impact, but its location on the other side of the open space would be, in reality, little different to the appeal site. Siting the proposal on either the appeal site or alternative site no 3 would result in the equipment towering above and forming the dominant feature from within the open space and in the wider street scene. Consequently, I cannot agree based on the limited evidence before me that the appeal site is the least harmful option available in the area to meet the targeted coverage needs.
17. A number of other cases¹ have been put to me for approvals of similar masts, but I do not consider them directly comparable. The example at Sutton Coldfield was for a planning application engaging a greater degree of weighing of benefits against harms where an existing monopole was being replaced. The case in London noted harm to the character and appearance but also at least included an existing mast in the surroundings. In any event, each case must be considered on its own merits.
18. Though 'The Code of Best Practice on Mobile Phone Network Development for Wales (2021)' has also been put to me as useful guidance in relation to the need for larger and greater numbers of antennas to support 5G technology, particularly when compared with the more dated Policy 5.11 of the 2002 Local Plan, I cannot agree that this provides adequate justification for the harm to the character and appearance of the area that would result from the proposal.

Conclusion

19. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Hollie Nicholls

INSPECTOR

¹ Including appeal refs: APP/P4605/W/19/3241791 and APP/G5180/W/19/3231491