



Appeal Decision

Site Visit made on 15 November 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2021

Appeal Ref: APP/V1260/W/21/3278679

Highway Verge Opposite 104 Broadway, Bournemouth BH6 4EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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.
 - The appeal is made by Hutchison 3G UK Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-18550-NH, dated 7 April 2021, was refused by notice dated 17 May 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.

Preliminary Matters

2. It is agreed by the parties that the plans referred to on the decision notice were not those on which the Council made its decision. I have therefore made my determination based on the drawings submitted with the appeal.
3. 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), 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.

Planning Policy

4. The principle of the development is established by the GPDO, and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the development on the character and appearance of the area.

Reasons

6. Broadway is a long, straight and level road, with grass verges and pavements on both sides. The verges are lined with ornamental street trees and the houses are set back on a uniform building line behind enclosed front gardens, many of which have hedges on their front boundaries. The long vista created by the alignment of the houses and the trees gives the street a distinctive, ordered, and attractive suburban character.
7. The houses on both sides are limited to two-storeys, and the canopies of the trees along the road are of a similar height, or lower than the buildings. There are lampposts, but they are slim, and only about 6 metres in height. Furthermore, they are arranged on the same alignment as the trees, so they are largely hidden in oblique views by the trunks and canopies. There is an isolated lamp column in a pedestrian refuge in the middle of the road, some telegraph poles, and low-level traffic signs. However, none of these features rises above the level of the buildings and trees. It is, therefore, a streetscape that is characterised by low-level buildings and trees, where street furniture is not visually predominant.
8. The appeal site lies in front of a row of commercial buildings that are set a little further back than the houses on both sides. They are served by a roadway that runs parallel with Broadway, and there is a wide verge between the two carriageways. The trees on the outer part of this verge are continuous with those along the rest of Broadway, and there is also landscaping on the inner verge, with the footpath running in between. Whilst the resultant strip of land does not amount to a useable area of public open space, it provides a pleasant area of greenery and interest in the street scene, at a focal point where people gather to obtain services.
9. Due to the level topography, the straightness of the road and the set back of the buildings, the mast would be readily visible from a considerable distance when approaching along Broadway from either direction. Whilst the lower part would be screened by the ornamental trees, the structure would tower above the level of the canopy and the roofs of the surrounding buildings. Consequently, it would be a prominent feature, and would visually disrupt the distinctive rhythm and character of the tree-lined streetscape. Although the appellant contends that the mast is of a slim unfussy design, it would be much bulkier than any of the existing street furniture in the locality, and would have a utilitarian appearance that would not assimilate well into this low-level suburban environment.
10. From closer viewpoints, the entire structure would be visible. It would be an unattractive and domineering feature, diminishing the positive role that the green space plays in the appearance of the street scene. Although the mast would be sited in front of a parade of shops, the area is, nevertheless, primarily a suburban residential environment. The scale and design of the installation would be incongruous in this setting. Consequently, regardless of the colour finish that could be used on the equipment, I conclude that the siting and appearance of the proposal would significantly harm the street scene and the character and appearance of the area.
11. The proposal would, therefore, be in conflict with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012), which states that

development which would be detrimental to the built environment, amenity, or character of any part of the Borough will not be permitted.

12. The harm to the character and appearance of the area must be balanced against the economic and social benefits of the proposal. Paragraph 114 of the Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Consequently, it advises that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).
13. In this case, the appellant's evidence demonstrates that there is a need for a new mast in the area, due to a deficiency in coverage, existing capacity issues at an adjacent site, and to cater for the forecast rapid increase in demand for mobile services in the future. In accordance with the advice at paragraph 118 of the Framework, the Council does not question the need for improved coverage.
14. Nevertheless, Paragraph 115 of the Framework advises that the number of telecommunications masts should be kept to a minimum, consistent with the needs of consumers, the efficient operation of the network, and providing reasonable capacity for future expansion. It also encourages the use of existing masts, buildings, and other structures. It does recognise, though, that new sites may be required for new 5G networks. Paragraph 117 advises that, where a new mast is proposed, evidence should be submitted to demonstrate that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structure.
15. The appellant's evidence indicates that the sequential approach to site selection set out in paragraph 117 has been followed, and that there are no opportunities for erecting antennas on existing buildings, masts, or other structures. A new installation is therefore necessary to achieve the required coverage. The appellant's evidence includes details of six alternative sites that were considered. Two of these were rejected because the buildings were not suitable to accommodate the equipment, and two because they would not provide the required coverage. The other two were discounted due to their prominent location in a residential area. On this basis, the appellant contends that there are no other more suitable sites.
16. However, little evidence has been provided to explain why the six sites identified constitute the only reasonable alternatives. Furthermore, the conclusion that the chosen site is the most preferable in visual terms was made without the benefit of pre-application comments from the Council or local residents. During the appeal process, third parties have drawn attention to other non-residential sites in the area, which had either not previously been considered, or the reasons for discounting them had not been provided. Whilst other sites may not offer the same coverage as the appeal proposal, no evidence has been presented to show the severity of the reduction in coverage if a more visually acceptable proposal was pursued.
17. I am mindful that the provision of 5G coverage in this largely low-level residential suburb may not be achievable without some harm to the character and appearance of the area. However, I am not persuaded by the evidence, that the site selection process has been sufficiently exhaustive and consultative to conclude that no more suitable options may be available. Consequently, I

only give moderate weight to the lack of identified alternative sites. I also conclude that the proposal would conflict with Policy 5.11 of the Bournemouth District Wide Local Plan (February 2002), which supports the provision of telecommunications equipment, provided it is sited and designed to minimise its visual impact, whilst respecting operational efficiency.

18. The proposed mast would provide a reliable 5G service to an area that has poor connectivity. Faster and more reliable connectivity to digital services would provide economic benefits to the commercial uses in the locality, as well as economic and social benefits to residential occupants. These would be wide-ranging, including greater efficiency in information sharing, leading to improved productivity; enabling smart devices for entertainment and healthcare benefits; remote monitoring to reduce unnecessary travel; and smarter public services. However, these benefits must be weighed against the significant harm that the proposal would have on the character and appearance of the area.
19. My attention has been drawn to three decision letters where Inspectors have carried out this balancing exercise when allowing appeals. I note that one of these decisions related to a proposal for a replacement mast, one only resulted in a *"moderately harmful effect"*, and the other was in *"a typical urban area with common street furniture paraphernalia including street lighting, road signs, litter bins, post boxes and CCTV mounted on monopoles"*. None is therefore comparable to the case before me, where I have found that the proposal for a new mast would result in significant harm to the character and appearance of a suburban area, where street furniture is not predominant.
20. Consequently, in the absence of compelling evidence to demonstrate that there are no preferable alternatives, I conclude that the benefits of the proposal, in terms of improved mobile connectivity in the locality, would be outweighed by the significant harm to the character and appearance of the area.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR