



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: 29th November 2021

Appeal Ref: APP/V1260/W/21/3277721

East Howe Lane Streetworks, East Howe Lane, Ensbury, Kinson, Bournemouth BH10 7BG

- 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 UK Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-18550-NM, dated 16 April 2021, was refused by notice dated 11 June 2021.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works at East Howe Lane Streetworks, East Howe Lane, Ensbury, Kinson, Bournemouth BH10 7BG in accordance with the terms of the application, Ref 7-2021-18550-NM, dated 16 April 2021, and the plans submitted with it, including BOU14765_M002B – 002 Site Location Plan; BOU14765_M002B - 100 Existing Site Plan; BOU14765_M002B - 150 Existing Elevation A; BOU14765_M002B - 210 Proposed H3G Site Plan; BOU14765_M002B - 260 Proposed H3G Elevation.

Preliminary Matters

2. 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

3. 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 therefore only had regard to development plan policies in so far as they are material to matters of siting and appearance.

Main Issue

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

Reasons

5. The appeal site lies on a pavement adjacent to the carpark of a medical centre, close to a busy traffic light-controlled junction. Buildings in the area are predominantly two-storey and in residential use, but they are set back from the roads behind grass verges, which contain substantial mature trees. There is an area of grassed public open space on the opposite side of East Howe Lane, which also accommodates mature trees. Nevertheless, this is a busy area, with high levels of traffic, and commercial uses nearby, including a car wash and a tyre fitting business. There is a range of street furniture around the road junction, including street light columns, traffic lights, and telegraph poles. Consequently, the area has an urban character.
6. The mast would be located close to the crossroads formed by the intersection of the A341 with East Howe Lane and The Broadway. The roads radiating away from this junction are straight, and the topography is generally level. Consequently, as the mast would be considerably higher than the two-storey buildings in the locality, it would be visible when approaching the crossroads from all four directions.
7. Approaching from the east, it would be visible from the northern footpath from about 150 metres away. Whilst it would be readily evident from here, it would be seen between the canopies of trees, with streetlights in the foreground and the medical centre building behind, so its visual impact would be reduced. In more distant views it would be screened by the trees on the open space. From the north, it would be visible from the junction of The Broadway with Vernalls Close, about 200 metres away, and potentially considerably further. However, from this direction the mast would be set against the backdrop of the mature trees behind the medical centre, so little, if any of it, would be silhouetted against the sky. It would, therefore, have a limited impact on the street scene.
8. Viewed from the west, the bottom half of the mast would be obscured by the medical centre building. The upper part would rise above the roof to be silhouetted against the sky, but it would be seen alongside the canopies of street trees and streetlights in the foreground. It would not, therefore, appear as an isolated feature, and would not be unduly prominent in these views. From the south, the base of the mast would be visible from the junction of East Howe Lane with Timothy Close. However, the upper part would be obscured by the trees to the south of the medical centre, which overhang East Howe Lane to a significant extent, so its visual presence would be substantially reduced.
9. Although the mast would be visible from considerable distance from all four directions, it would be seen in the context of trees, buildings, and street furniture in the foreground, or against the backdrop of mature trees. Consequently, it would only result in limited harm to the character and appearance of the area in these medium to long distance views.
10. In closer views, from the area immediately around the crossroads, however, it would be a prominent feature. Although the junction is characterised by street furniture, the mast would be much higher and much bulkier than any of the

existing structures. It would rise significantly above them, and the adjacent building, and would challenge the surrounding mature trees for visual dominance. Being located on the back edge of the pavement, it would be entirely open to view, and would be a stark and unattractive addition to the street scene. It would, however, be seen in the context of a wide expanse of tarmac, at a busy road junction in an urban environment, so would not be entirely incongruous in this setting. Nevertheless, it would result in a moderate degree of harm to 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) (the Core Strategy), 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. However, Policy 5.11 of the Bournemouth District Wide Local Plan (February 2002) (the Local Plan) supports the provision of telecommunications equipment, provided it is sited and designed to minimise its visual impact, whilst respecting operational efficiency. It is necessary, therefore, to consider whether there are less harmful options for achieving the necessary coverage.
12. Policy 5.11 of the Local Plan broadly accords with Paragraph 115 of the National Planning Policy Framework (the Framework), which 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 the provision of reasonable capacity for future expansion. It also encourages the use of existing masts, buildings, and other structures. However, it does recognise that new sites may be required for new 5G networks. Paragraph 117 of the Framework 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.
13. The installation is proposed to provide 5G coverage to a largely residential area, which is bisected by the busy A341 road. The gap in coverage affects a wide area, and an adjacent cell is already operating at capacity. The evidence indicates that the sequential approach to site selection set out in paragraph 117 of the Framework has been followed, and that there are no opportunities for erecting antennas on existing buildings, masts, or other structures. Alternative sites for a new installation within the target coverage area have been considered, however, the options are limited by the primarily residential character of the areas to the north and south of the A341. I saw that a mast at the potential alternative sites to the south, at Leybourne Avenue or Gillam Road, would be an incongruous addition to an area of suburban residential character.
14. The alternative options adjacent to the A341 to the east would all be in a similarly urban environment, with predominantly two-storey buildings, and would inevitably be close to the road. Consequently, although the reasons given for discounting them are brief, I saw that none would appear to offer a solution that would be preferable, in visual terms, to the appeal location. The evidence indicates that a previous proposal, approximately 85 metres to the west, was refused by the Council in August 2020. Other, more distant, options would not achieve the necessary coverage, and no other specific alternative sites have been suggested by the Council. Consequently, on the evidence before me, I am satisfied that there are no suitable and available alternative

sites that would have a less harmful impact on the character and appearance of the area.

15. 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). The proposal would provide a reliable 5G service to a densely populated area that currently has poor coverage. Faster and more reliable connectivity to digital services would provide wide-ranging social and economic benefits to the residents and businesses in the locality, including improved productivity; a reduction in the need to travel; and more efficient public services.
16. As no more suitable alternative locations have been identified to provide the improved coverage, I give substantial weight to the public benefits that would ensue from the siting and appearance of the proposal. These benefits are a material consideration that indicates that the conflict with Policy CS41 of the Core Strategy should not be determinative. Furthermore, in the absence of visually preferable alternatives, the proposal would accord with Policy 5.11 of the Local Plan, which supports the provision of telecommunications equipment, provided it is sited and designed to minimise its visual impact, whilst respecting operational efficiency.
17. In weighing all the above matters, the siting and appearance of the proposal would result in moderate harm to the character and appearance of the area. However, this harm would be outweighed by the substantial social and economic benefits that would arise from the proposal.

Other Matters

18. Although not raised by the Council, concerns have been identified in representations 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

19. Any planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes, and the land restored to its condition before the development took place.

Conclusion

20. For the reasons outlined above, I conclude that the appeal is allowed, and prior approval is granted.

Nick Davies

INSPECTOR