
Appeal Decision

Site visit made on 10 May 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Appeal Ref: APP/V1260/W/21/3288416

Highways Lane at Ringwood Road, Ringwood Road, Bournemouth, Dorset BH11 9LB

- 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) 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 CK Hutchison Networks (UK) Ltd against the decision of BCP Council.
 - The application Ref 7-2021-18550-NR, dated 13 August 2021, was refused by notice dated 7 October 2021.
 - The telecommunications installation proposed is a 15 metre high monopole and 4 no. equipment cabinets and development works ancillary thereto.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.
3. The principle of development is established by the GPDO 2015, and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the *National Planning Policy Framework 2021* (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
4. The appellant has advised that the cabinets do not require prior approval due to their size and function. This is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. I have determined the appeal on the basis of the scheme before me, which was the subject of the Prior Approval application and includes the cabinets.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area, and whether any harm caused would be outweighed by the need to site the installation in the location proposed, having regard to the potential availability of alternative sites.

Reasons

6. The site is part of a grassed and treed highway verge located adjacent to Ringwood Road. It lies between the busy A348 dual carriageway road and a 'no-through' service road of the same name, which runs roughly parallel to the west side of the main road, and provides access to residential properties along the edge of an established residential area at Bear Wood.
7. The appeal site lies within an open grassed area adjacent to a point where the highway verge is intersected by a road link between the two sections of Ringwood Road. As such, it is a highly visible location to north-bound drivers on the dual carriageway, and to users of the service road, which include pedestrians and cyclists as well as drivers, due to its quieter and more intimate residential nature.
8. A large proportion of the highway verge is occupied by mature trees and shrubs, so that it provides a green buffer between the dual carriageway and residential development to the west. As such, due to its open, visible and verdant character and treed backdrop, the appeal site together, with the adjoining highway verge, makes a positive contribution to the character and appearance of the area.
9. There are a number of lighting columns and some street signs around the edge of the verge. The lamp posts are approximately 8m in height and comprise thinly-profiled and well-spaced structures with a slim, lightweight appearance. The road signs are fewer in number and are of a low height appropriate for their function. As such, these structures sit comfortably within the townscape and do not appear incongruous, nor unduly visually prominent within their roadside setting.
10. The proposal would install a 15m high monopole mast in an open grassed position near the edge of the verge, adjacent to the road linking the two parts of Ringwood Road and close to residential properties on the opposite side of the service road. 3 antennas near the top of the mast would facilitate Fifth Generation (5G) coverage, with another 3 antennas below providing improved 3G and 4G coverage. 4 equipment cabinets would be sited around the base of the pole.
11. There are no existing telecommunications installations within the immediate vicinity of the appeal site. Accordingly, the proposal would introduce a discordant form of development into this area as a result of its commercial nature and its visually intrusive design. Although exhibiting a vertical monopole design, which would be slimmer than some alternative designs for telecommunications equipment, the proposal would have a notably more visually dominant presence in views from the public realm than the existing street lighting and road signs. This is due to a combination of its significantly greater height, at almost twice the height of the street lighting columns, and its greater pole width. Moreover, the head frame and antennas at the top of the

supporting pole would add a distinctly bulky element to the top of the structure which would further draw the eye towards it.

12. The perceived visual dominance of the proposal would be exacerbated by its stand-alone nature, within a particularly open and grassed part of the verge, where it would be distinctly separate from the closest trees. In addition, the adjacent cabinets would be open to public views at street level, and, in conjunction with the proposed mast and existing street lamps and signage, they would result in a cluttered public realm at this road junction.
13. As a consequence, the pleasant, verdant landscaped setting of this part of the highway edge and setting to the nearby residential development would be detrimentally eroded by the proposed installation of a collection of structures which would appear out of context with the prevailing street scene.
14. For the above reasons, the proposal would appear as a dissonant and over-dominant feature within the townscape, particularly in relation to the domestic scale, low height residential development along the west side of Ringwood Road, some nearby properties within which are sited at a lower ground level than the appeal site. The mast and antennae would appear unduly visually prominent within the skyline, drawing the attention of passing drivers and pedestrians and cyclists due to its position close to the roadsides of three sections of Ringwood Road and the entrances to a number of residential properties.
15. I acknowledge that there are technical constraints in respect of the design of the apparatus, and that the appellant has sought to minimise its visual impact through certain aspects of its design. However, this does not justify the harm that would result from its siting in the location proposed.
16. I accept that existing mature trees would partially screen the mast in some wider views towards the site, including those of drivers travelling southwards along the dual carriageway, due to the alignment of the road and the presence of mature trees along much of the highway verges on the outside edges of the dual carriageway. However, the structure would project above the canopy height of many of the trees, and also, the open, grassed verge location of the proposal means that nearby trees would not provide effective screening in a number of other views, including those of drivers approaching the site from the south.
17. Furthermore, in addition to the shorter and more distant sightings of the equipment experienced by passing drivers on the dual carriageway, the proposal would be experienced at a more close-up distance, and for a longer time period, by users of the service road, where vehicular traffic would normally be travelling at a slower speed, and would include regular travel to and from the residential properties within the road, as well as use by pedestrians and cyclists.
18. Whilst the proposal is for a green coloured finish for the equipment, which would aid in reducing the visual prominence of the proposal in views where there is a treed backdrop, this would not sufficiently overcome the harmful impacts I have identified.

19. I acknowledge that the appeal scheme is an amended proposal to that of a previously refused application¹, including a reduction in mast height, the removal of dishes, and the repositioning of the mast further away from an adjacent mature Oak. However, this does not justify or outweigh my above conclusions in respect of the current scheme.
20. For the above reasons, I therefore conclude that the siting and appearance of the proposal would significantly harm the character and appearance of the area. In so far as they provide advice and are a material consideration in respect of siting and appearance, the development would conflict with Policy 5.11 of the *Bournemouth District Wide Local Plan* (2002) and Policy CS41 of the *Bournemouth Local Plan: Core Strategy* (2012). These policies, amongst other things, seek to ensure that new development, through its scale, layout, siting character and appearance, respects the site and its surroundings and contributes positively to the appearance of the public realm, and that telecommunications equipment proposals, whilst respecting operational efficiency, are designed to minimise the impact on visual amenity in terms of siting and external appearance.
21. For similar reasons, the proposal would also be contrary to Policies of the Framework which seek to secure high quality design, as set out in Chapter 12, and support high quality communications, subject to electronic communication equipment on new sites being sympathetically designed and camouflaged where appropriate, as set out in Chapter 10.

Other Matters

22. There is a difference of opinion between the parties as to whether the appellant submitted a request for pre-application advice from the Council prior to the submission of the Prior Approval application. This is not a matter for me to consider as part of this appeal. Moreover, whilst the Framework encourages pre-application discussion, I would not be bound by the advice given by the Council prior to the submission of the application.
23. Third party 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 a matter that the decision-maker should determine.

Planning Balance and Conclusion

24. There would be economic and social benefits arising from proposed improvements to the existing telecommunications infrastructure to cater for the roll out of 5G technology as well as accommodating existing 3G and 4G technology. As such, and noting the influence of the Coronavirus pandemic in increasing the occurrence of home working and reliance upon online business, shopping and entertainment services, the appeal scheme would be consistent with the Framework's recognition of the importance of high-quality communications to economic growth and social well-being.

¹ 7-2021-18550-NG

25. The appellant has also drawn my attention to the potential contribution of 5G technology towards environmental improvements, such as reduced energy use and emissions.
26. I have no reason to doubt that the scheme would deliver tangible improvements to communication networks in the area identified by the appellant, which includes densely populated residential areas. Moreover, the Framework indicates that the need for electronic communication systems should not be questioned when determining development schemes.
27. I also accept that the position of the newly proposed equipment would need to complement the existing network so as to promote continuous network cover. As a result, the search area that was identified for the purposes of site selection was necessarily constrained in size.
28. The appellant states that, following a physical search of the area, there is no other viable or available alternative location for the proposal, including existing masts, structures or rooftops that could accommodate the development, having regard to the identified local demand and the existing gap in existing network coverage. I have been provided with information in respect of 6 alternative sites which were considered and discounted as part of the appellant's site selection process.
29. However, having regard to the limited geographical extent and nature of the search area, and the brief level of detail as to why each of these sites have been discounted, I find that detailed supporting information to fully corroborate that an exhaustive search of all possible sites was undertaken, and that potential alternatives were discounted on reasonable grounds, is not before me. For example, possible alternative locations in the vicinity of the appeal site, such as within adjoining or neighbouring grassed verge areas, or further south along Ringwood Road where there are other existing telecommunications apparatus, and areas of commercial built development, would appear not to have been comprehensively assessed.
30. I acknowledge that efforts have been taken to position the monopole away from potentially sensitive receptors and in proximity to existing planting to achieve partial screening. However, it has not been clearly substantiated that it would be impractical to follow a similar approach elsewhere within (or near to) the designated search area whilst avoiding, or substantially reducing, the specific significant adverse effects that I have identified.
31. There would be benefits arising from the development outlined above. However, the siting and appearance of the monopole would result in significant harm to the character and appearance of the area, with consequent conflict with the development plan and the Framework, which attracts significant weight against the scheme. While options for siting the development are limited by technical and operational constraints, and the appellant states that alternative locations have been fully assessed, having regard to the evidence before me in respect of other sites, it is not demonstrated that other more suitable and less harmful sites for the development do not exist, and this weighs against the proposal.
32. Consequently, based upon the evidence before me in this case, the harm from its siting and appearance would not be outweighed by the benefits of this development.

33. For the reasons set out above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR