



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: 27 May 2022

Appeal Ref: APP/V1260/W/21/3288751

Holdenhurst Road, Bournemouth BH8 8BZ. Easting:410358.

Northing:92372

- 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 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of BCP Council.
 - The application Ref 7-2021-18550-NW, dated 18 September 2021, was refused by notice dated 11 November 2021.
 - The telecommunications installation proposed is described as "*16.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works*".
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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 upon the character and appearance of the area and highway safety, 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

Character and appearance

6. The appeal site lies within the public footpath which runs along the side of Holdenhurst Road, within a mixed commercial and residential area in the Springbourne area of Bournemouth.
7. It is located directly in front of a supermarket car park. The associated Aldi store building is set back from the road frontage. The proposed installation would be sited adjacent to a low brick boundary wall which provides the car park frontage and next to a pole-mounted car park light.
8. Holdenhurst Road is a District Distributor Road, providing one of the main approaches into the town centre. It also has a function as a local shopping centre. The stretch within which the appeal site is located is characterised by ground floor commercial uses with residential above. Beyond the street, residential roads lead off to wholly residential areas, including Stewart Close opposite the entrance to the Aldi car park.
9. Building heights are typically two and two-and-a-half storey, of a residential scale, and mainly comprising road-facing terraces. These are interspersed with some single storey purpose-built commercial properties, including the Aldi supermarket to the rear of the appeal site and a commercial garage on the corner with Victoria Place on the opposite side of the road. There is also a detached, two storey former public house that has been converted to a Tesco Express directly opposite the site. It has a car park to its side, behind which is a more recent development of two storey houses which are apparent in views from Holdenhurst Road.
10. The appeal site is in a visually prominent location within this townscape, due to its open position on the public highway pavement in front of a car park, where there is a distinct gap between the frontage buildings which lie to the northeast of the Aldi car park and the southwest of Stewart Close. This part of Holdenhurst Road has a notably more open character than is typical of the road, due to a combination of the set-back position of the Aldi supermarket building behind an open-fronted car park which wraps around the building, the presence of a deep forecourt and side car park to the Tesco Express building directly opposite the appeal site, and the single storey nature of the garage on the corner with Victoria Place.
11. As such, the appeal site is a highly visible location to drivers travelling in both directions along the busy Holdenhurst Road, and those approaching this part of the road from the nearby side residential roads. It would also appear visually prominent to other road users, including passing pedestrians and cyclists, and customers of the food shopping stores on both sides of the road.

12. There are a number of lighting columns within the vicinity of the site, comprising car park lighting of approximately 6.1m in height, and street lamps of around 10m in height. These comprise thinly-profiled and well-spaced structures with a slim, lightweight appearance. There are also several free-standing signs associated with the retail properties on both sides of the road, which are of a height and design 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 or in comparison with the height of the surrounding built development.
13. The proposal would install a 16m high monopole mast in an open pavement position adjacent to the road. 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.
14. 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 commercial signs. This is due to a combination of its significantly greater height and pole width than the lighting columns. 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.
15. Whilst a degree of screening of the proposal would be provided by nearby buildings, the perceived visual dominance of the proposal would be exacerbated by its stand-alone nature at the front of the car park, where it would appear distinctly separate from the closest buildings, and its position within the open public footpath. In addition, the adjacent wrap-around and free-standing cabinets would be open to public views at street level and in close proximity to passing users of the public highway, and, in conjunction with the proposed mast and existing street lamps and signage, they would result in a cluttered public realm in this footpath location.
16. As a consequence, the spacious setting of this part of the highway edge and nearby residential and commercial 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.
17. Whilst the colour of the installation might be secured by a suitably worded condition, given the siting and appearance of the scheme, this would not overcome the harm identified.
18. For the above reasons, the proposal would appear as a dissonant and over-dominant feature within the townscape. The mast and antennae would appear unduly visually prominent within the skyline, particularly in relation to nearby built development of a lower height. It would draw the attention of a large number of passing drivers, pedestrians and cyclists due to its position close to a busy road, the entrances to two well-used retail establishments and the junctions with two side streets.
19. 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.

20. I acknowledge that the appeal scheme is an amended proposal to that of a previously withdrawn application¹, including a reduction in mast height. However, this does not justify or outweigh my above conclusions in respect of the current scheme.
21. 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) (the Core Strategy). 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.
22. For similar reasons, the proposal would also be contrary to policies of the Framework which seek to achieve well-designed places, 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

Highway safety

23. The proposed siting of the installation would result in a reduction in footpath width to around 1.4m over a length of approximately 6m in a busy section of the road in terms of both road and pavement traffic. Vehicular traffic includes drivers accessing the facilities of the local shopping centre, as well as using the road as a through route in trips to further destinations, and traffic includes buses and HGVs due to the Distributor nature of the street. Pavement users include those accessing the supermarkets on both sides of the road.
24. This reduction available pavement would significantly increase the risk of conflict between users of the footpath, in particular visibility and mobility impaired pedestrians, wheelchair, mobility scooter and pram and pushchair users. It could also reasonably potentially result in conflict between pavement users and road vehicle drivers, should pavement users detour onto the road, due to the brick boundary wall preventing access over the supermarket car park. As such, the proposed arrangement of cabinets and monopole would result in a notable impediment to the safe movement of pavement users, and would not be conducive to a safe public realm.
25. For the above reasons, I therefore conclude that the siting and appearance of the proposal would significantly harm highway safety. In so far as it provides advice and is a material consideration in respect of siting and appearance, the development would conflict with Core Strategy Policy CS41. This policy, amongst other things, seeks to ensure that new development contributes positively to the safety of the public realm, through its siting.

¹ 7-2020-18550-MX

26. For similar reasons, the proposal would also be contrary to paragraph 130 of the Framework which seeks to ensure that new development creates places that are safe and accessible.

Other Matters

27. The appellant states that pre-application advice from the Council was sought prior to the submission of the Prior Approval application, but that no response was received. This procedural matter is not an issue 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.
28. 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

29. 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 such, 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.
30. 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.
31. 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.
32. The appellant states that a sequential approach was taken to site selection, and 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 alternative sites that were considered and discounted as part of the appellant's site selection process.
33. However, having regard to the limited geographical extent of the search, the residential nature of some of the sites, 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 along the A338 Wessex Way, where there are other

existing telecommunications apparatus and the built environment is less residential, would appear not to have been comprehensively assessed.

34. I acknowledge that efforts have been taken to position the monopole away from potentially sensitive receptors and where it could be partially screened by existing structures. 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.
35. 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 and highway safety, 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.
36. 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.
37. For the reasons set out above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR