



Appeal Decision

Site visit made on 7 June 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2022

Appeal Ref: APP/P0240/W/21/3281501

Chapel End Road, Houghton Conquest MK45 3LN

- 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) (GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/02813/TDM, dated 7 June 2021, was refused by notice dated 3 August 2021.
 - The development proposed is 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of 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. Also, I have only had regard to the development plan, related guidance and the National Planning Policy Framework ('the Framework') insofar as they are material to matters of siting and appearance.

Main Issues

3. The main issues are a) the effect of the proposal on the character and appearance of the area, b) the effect of the proposal on a designated heritage asset; and, in the event that any harm is identified, whether that harm would be outweighed by the need to site the installation in the location proposed and any benefits associated with the proposal.

Reasons

Character and appearance

4. The appeal site is part of the highway along Chapel End Road and comprises an area of grass verge next to a footpath. The surrounding area is predominantly residential.
5. Most notably, the appeal site is located in front of a sizeable amenity space. This is largely grassed but also incorporates some play equipment and

- landscaping. The southern boundary of this amenity space is contiguous with the grass verge which the appeal site is a part of.
6. Notwithstanding the tree planting, the amenity space incorporates low railings and therefore views into and from this area are available.
 7. The combination of the amenity space, landscaping, along with nearby grass verges, including the appeal site give this area an open and verdant character and appearance. The appeal site also positively contributes to the setting of this amenity space.
 8. The nearby area does incorporate some modest elements of street furniture including road signs, post box and play equipment within the amenity space. There are also other vertical structures such as lamp posts and telegraph poles which are slender in form. Therefore, these are not visually obtrusive and are settled within the street scene.
 9. The proposal is intended to improve digital wireless, mobile coverage within this area with new equipment to facilitate part of an integral requirement to expand Fifth Generation (5G) coverage in the area. This would comprise a 15m monopole incorporating a wrap-around cabinet at its base, along with further separate cabinets adjacent to this. These are to be sited along the pavement close to railings associated with amenity space.
 10. In the abovementioned context, the proposed 15m monopole because of its height, siting and utilitarian appearance would be taller than the adjoining trees. Thus, disrupting the arrangement and undermining the appearance of the established street trees. The monopole would also not visually integrate with the nearby street lighting and telegraph poles due to its appreciably greater height and column width, and more bulky and visibly distinct headframe design in relation to the supporting column. It would also contrast starkly with the open and verdant backdrop of the amenity space. Thereby, appearing unduly visually prominent.
 11. The position of the monopole and cabinets in proximity of the roadside, the amenity space and the nearby junction to London Lane would further contribute to the visual dominance of the proposal as perceived by passing drivers and pedestrians. The proposal would also be highly prominent in views towards and from the amenity space.
 12. The appellant asserts that the equipment cabinets would be classified as permitted development. 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. The proposal before me therefore relates to the whole installation, including the cabinets.
 13. Consequently, the proposal would introduce a stark and incongruous feature within the street scene directly in front of the amenity space, which would significantly and unacceptably detract from its setting.
 14. For the above reasons, the proposal due to its siting and appearance would harm the character and appearance of the area. The proposal is therefore contrary to policies HQ1 and HQ5 of the Central Bedfordshire Council Local Plan 2030, Adopted January 2020 and sections 10 and 12 of the Framework, insofar as these are material to this application for prior approval.

Heritage Asset

15. From the amenity space, views are available towards a group of buildings, including the Village Farm (a Grade II listed building) which are located some 50 metres to the south-west of the appeal site. From the information before me Village Farm is noted for its architecture.
16. In particular, these buildings are visible from the amenity space. Therefore, because of the views available from the amenity space and its proximity, the amenity space forms part of the setting to the listed building.
17. Because of its siting and appearance, the proposal would interrupt and distract from views of Village Farm, in views from the amenity space and would therefore have a harmful effect on the setting of this designated heritage asset.
18. The harm that would occur to the setting of the listed building would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. This is a matter of considerable importance and weight. Paragraph 202 of the Framework nevertheless requires such harm to be weighed against the public benefits of the proposal. I shall undertake this balance later in my Decision.
19. Nonetheless, for the above reasons, the proposal due to its siting and appearance would harm the setting of a designated heritage asset. The proposal is therefore contrary to Policy H3 of the LP, insofar as this is material to this application for prior approval.

Other considerations

20. Support for the delivery of advanced, high quality and reliable communications networks is afforded by the Framework, other government documents as set out in the appellant's submissions and the development plan, and such networks bring significant social and economic benefits. Furthermore, the proposal would support new 5G coverage to a predominantly residential area. The appellant has also reduced the extent of the monopole from 20m (in response to a previously refused application).
21. Paragraph 117(c) of the Framework outlines that for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure should be submitted.
22. The sequential approach to site selection includes: 1. Upgrading an operator's own existing base station(s); 2. Using existing telecommunications structures belonging to another code system operator, i.e., mast sharing; 3. Co-location or site sharing alongside existing telecommunications development; 4. Installing a base station on an existing building or tall structure. If 1-4 are unavailable, the only viable option is 5. Erection of a new ground-based mast.
23. Although the appellant has identified that there are no opportunities for upgrading existing base stations or site sharing available, on the information before me, I cannot be certain that they have also considered using any existing buildings or tall structure.
24. The appellant advises that the equipment could be finished in colour I consider appropriate to the location to minimise its visual appearance. However, I am

not persuaded that the visual impact arising from the design, height and siting of the structure could be mitigated by the use of a particular colour finish.

25. The fact that the proposal would meet the International Commission on Non-Ionizing Radiation Protection guidelines for public exposure is a requirement of prior approval and does not influence my findings on the main issues.

Planning balance and conclusion

26. In terms of the paragraph 202 of the Framework, despite finding the harm to be less than substantial, having regard to the Framework¹ I still attach significant weight to this. Such harm can be outweighed by public benefits. However, the public benefits in this instance do not outweigh the less than substantial harm that I have identified.
27. Turning to the overall balance, I have taken account of the potential economic and social benefits of the proposal detailed by the appellants, and the support given elsewhere and by the Framework for high quality and reliable communications infrastructure, including 5G networks, in supporting economic growth and social well-being.
28. However, in this case, for the reasons given above, I do not consider that the public benefits of the installation in terms of the enhancement of the telecommunications network, its contribution to economic growth and the locational needs outweigh the significant harm that I have found arising from the proposal due to its siting and appearance. I, therefore, conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR

¹ Paragraph 199