



## Appeal Decision

Site visit made on 14 June 2022

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 24<sup>th</sup> June 2022**

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**Appeal Ref: APP/Q0505/W/21/3284491**

**Wulfstan Way, Cambridge CB1 8QD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Hutchinson UK Ltd against Cambridge City Council.
  - The application Ref: 21/01386/PRI16A, is dated 19 March 2021.
  - The development proposed is a 15m 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 Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a proposed telecommunications installation: a 15m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works at Wulfstan Way, Cambridge CB1 8QD in accordance with the terms of application Ref: 21/01386/PRI16A, dated 19 March 2021, and the plans submitted with it.

### Procedural Matter

2. The application was submitted pursuant to Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The principle of development is established by the GPDO. The development is, however, subject to the developer firstly applying to the local planning authority as to whether prior approval will be required for the siting and appearance of the development. Therefore, I have limited my considerations to matters pertaining to the siting and appearance of the development.

### Main Issues

3. The main issues relevant to this appeal are:
  - the effect of the development upon the character and appearance of the surrounding area; and
  - the effect of the development upon highway safety

### Reasons

Character and appearance

4. The appeal site is located adjacent to an area of public open space. This comprises areas of grass, interspersed by trees. Near to the open space is a

- parade of commercial units, with flats above. There are several buildings within the wider surrounding area, which are constructed to varying designs.
5. The proposed development would result in an increase in the overall level of built form. However, the development would be located on a grass verge, which is separated from the open space by a pavement. This verge extends beyond the confines of the open space.
  6. This means that it would appear visually separate from the open space and its function. Furthermore, views of the structure from some directions would be screened, to some extent, by the mature trees that are a feature of the surrounding area.
  7. Views of the mast from the open space would be against a backdrop of other buildings. Whilst the proposed mast would be taller than these buildings, they represent a more built-up backdrop. In addition, the surrounding buildings are constructed to varying designs and scales. Therefore, the character of the surrounding area features structures of varying appearances.
  8. This means that although the development would be near to commercial and community facilities, its siting and design would not lead to an erosion of the character and appearance of the surrounding area. In result, the proposed development, which would have a more functional style of design would not appear incongruous.
  9. The proposed development would not appear as part of the open space given the degree of separation that would exist between the two. Therefore, the proposed development would not erode the character of the surrounding area.
  10. In addition, the proposed development, by reason of its siting, would not result in a reduction in the overall level of space available for the undertaking of recreational activities.
  11. The proposed development would be viewed alongside other items of street furniture within the surrounding area. In particular, the vicinity includes items such as beacons associated with pedestrian crossings, street lighting, signposts and equipment cabinets.
  12. These matters, although smaller than the proposed development, mean that vicinity of the surrounding area is characterised by the punctuation of open space by physical, engineered, items. The development would therefore not appear incongruous in this regard. This would occur even though there are no other masts within the surrounding area.
  13. The installation would be grey in colour. However, the surrounding area contains trees, combined with different buildings and other street furniture and equipment. In consequence, the development would be viewed alongside other items of a varied colour palette. Therefore, the development would not be discordant in this regard.
  14. The proposed development would include various equipment cabinets. These are relatively small and would therefore not have a notable effect upon the predominantly open and verdant character of the vicinity.
  15. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. Therefore, the

proposed siting and appearance of the development would be in conformity with the Framework in this regard.

#### *Highway safety*

16. The proposed development would be sited near to a pedestrian crossing, which contains beacons. This crossing links the open space with the built-up areas beyond. Although the proposed development would be near to the crossing it would be set back from the edge of the highway and would not be sited in line with the crossing's beacons.
17. Given that the proposed development would be set further back from the highway edge than the crossing and its beacons, the proposed development would not impede views of the crossing. In result, motorists approaching the appeal site would have an appropriate forewarning of the presence of the pedestrian crossing. Furthermore, pedestrians waiting to cross the road would also be viewable to approaching motorists.
18. In reaching this view, I have had regard to the fact that the majority of approaching drivers would be near to the centre of the road. This means that they would have a substantial field of view. This would not be compromised by the proposed development. In result, motorists would be able to view pedestrians using or approaching the crossing.
19. The relatively low speeds that approaching vehicles are likely to be travelling at means that motorists would have sufficient time to respond to the presence of pedestrians. In addition, there would be sufficient visibility for motorists to undertake avoiding action if required. This means that the development would not create conflict between pedestrians and moving vehicles.
20. In addition, owing to the positioning of the development, pedestrians would also be able to view on-coming traffic. They would therefore be able to observe approaching vehicles slowing down and stopping. In addition, pedestrians would also be able to judge the speed of approaching vehicles. This means that they would be able to establish whether it is safe to cross the highway.
21. Therefore, although the proposed development would be near to the road marking associated with the operation of the pedestrian crossing, the precise positioning of the proposed development is such that the scheme would not conflict with the safe operation of the crossing.
22. I therefore conclude that the proposed development would not have an adverse effect upon highway safety. Therefore, the proposed siting and appearance of the development would be in conformity with the Framework in this regard.

#### **Other Matters**

23. The appeal documentation contains an International Commission on Non-Ionizing Radiation Protection declaration. Therefore, in line with the requirements of the Framework, I have no reason to believe that the proposed development would lead to an adverse effect upon the health of individuals.
24. Alternative locations have been suggested for the proposed development. However, given that I have concluded that the siting and design of the proposed installation is acceptable in the intended location, the presence of

alternative locations elsewhere does not allow me to disregard my previous conclusions.

### **Conditions**

25. The Council has suggested that conditions regarding the implementation of the development and the approved plans. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions contained within it. Amongst other this specifies the date by which the development should be commenced. Therefore, such a condition is unnecessary. In addition, the prior approval process pertains to a specific proposal. In consequence, an additional condition specifying the approved plans would also fail to meet the test of necessity or reasonableness.

### **Conclusion**

26. The development would not have an adverse effect upon the character and appearance of the surrounding area or highway safety arising from its siting and design. Therefore, I conclude that the appeal should succeed, and prior approval be given.

*Benjamin Clarke*

INSPECTOR