



Appeal Decision

Site visit made on 6 September 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/P0240/W/21/3288695

Appenine Way, Leighton-Linslade, Leighton Buzzard LU7 3XW

- 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 CK Hutchison Networks (UK) Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/03773/TDM, dated 7 August 2021, was refused by notice dated 7 October 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 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 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Appenine Way, Leighton-Linslade, Leighton Buzzard LU7 3XW in accordance with the terms of application Ref: CB/21/03773/TDM, dated 7 August 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.
3. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

4. The main issue relevant to this appeal is the effect of the development upon the character and appearance of the surrounding area.

Reasons

5. The appeal site consists of an open area adjacent to the side of Appenine Way. The area contains a notable number of mature trees. Beyond the open space are several residential dwellings. These are typically of two stories in height.

On the opposite side of the road to the appeal site is a further area of open space, which contains some limited planting.

6. The proposed development would result in an increase in the overall level of built form in the surrounding area. However, this increase would be generally limited owing to the relatively narrow width of the monopole. In addition, the proposed equipment cabinets are of small proportions. This means that the development would not result in a notable increase in the overall level of built form.
7. Furthermore, the proposed development would have a cumulative footprint that would be relatively small. In consequence, the proposed development would not result in a notable reduction in the amount of green space in the vicinity of the appeal site. The proposal would also not result in the reduction in the number of trees in the vicinity. In result, the proposed development would not result in a significant erosion of the character of the existing area of green space.
8. The proposed development would be viewed alongside various items of street furniture in the surrounding area. This includes items such as streetlighting, road signs, some equipment cabinets, and a small number of advertisements. Whilst these items are comparatively few in number and are of a lower height than the proposed monopole, they contribute to a more urban character. The development would not be discordant in this regard.
9. In addition, given the nature of the appeal site's existing surroundings, the installation of the proposed development of a grey colour would not be incongruous.
10. In addition, the appeal site is near to several different mature trees. This means that from several different vantage points, such as some points in Appenine Way, the presence of trees would obscure views of the proposed installation. In addition, the road layout within the vicinity would mean that direct views of the proposed installation would not be readily viewable from greater distances away in the road.
11. These factors mean that whilst the proposed monopole would be taller than the mature trees, the overall prominence of the development would be relatively small and therefore, the proposed development would not result in an erosion of the area's character.
12. Views of the development would be possible from the dwellings near to the appeal site. However, these would be obscured by the mature trees. Therefore, the proposal would not be a prominent addition.
13. The proposed development would also be viewable from the open space on the opposite side of Appenine Way, although some views would be obscured by the existing planting. However, the development would be viewable against a backdrop of the other dwellings in the surrounding area. This means that the proposed development would be viewed alongside several buildings. In consequence, the proposed development would not result in an increased urbanising effect in the surrounding area.
14. The Council has raised concerns as it is considered that the developer has not fully considered alternative sites in sufficient detail. Whilst I have had regard to these concerns, as I have found that the proposed development within its

intended site would not lead to an erosion of the area's character, I do not need to give these matters further consideration given that the development would not result in harm.

15. The development, in this regard, would be in conformity with Policies HQ1 and HQ5 of the Central Bedfordshire Local Plan (2021). Amongst other matters, these require that proposals take account of opportunities to enhance or reinforce the local distinctiveness of the area and create a sense of place; and be sited to minimise visual intrusion.
16. 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.

Other Matters

17. The Council has suggested conditions to be imposed in the event that I am minded to allow the appeal. However, the GPDO provides the timescales for the implementation of the development and requires that developments be carried out in accordance with the submitted details at the application stage. The application documentation also outlines the colour of the installation. Therefore, such conditions are not necessary.

Conclusion

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

Benjamin Clarke

INSPECTOR