



Appeal Decision

Site visit made on 14 September 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/V1260/W/22/3295354

Fairmile Road, Fairmile, Christchurch BH23 2LG

- 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 Bournemouth Christchurch and Poole Council.
 - The application Ref 8/21/0906/PNTEL, dated 12 September 2021, was refused by notice dated 5 November 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 Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Fairmile Road, Fairmile, Christchurch BH23 2LG in accordance with the terms of application Ref 8/21/0906/PNTEL, dated 12 September 2021, and the plans submitted with it.

Procedural Matter

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.

Planning Policy

3. The Council have referred to a development plan policy in its Decision Notice. However, 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 to be had to the development plan. I have had regard to the development plan policy and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters set out in the main issue.

Main Issue

4. The main issue in this appeal is the effect of the siting and appearance of the proposed installation on the character and appearance of the area including the effect on the long-term retention of nearby trees.

Reasons

5. The appeal proposal would result in a 15 metre high monopole and associated equipment cabinets being located on a flat grassed area to the front of residential properties on Fairmile Road. Fairmile Road has a mix of residential and commercial properties along its length, with a parade of shops opposite. The overall scale of development in the locality tends to be two storeys. The appeal proposal would be sited close to an existing group of trees. There is no dispute between the parties that the elm trees closest to the footway are dead.
6. There is a variety of street furniture within this urban street scene including a signal-controlled pedestrian crossing, road signs and a bus stop. In this context, the proposed equipment cabinets coloured grey, whilst evident, would not be discordant features within the street scene.
7. There is also a variety of street furniture with a vertical emphasis including streetlights measuring approximately 9m high, telegraph poles with overhead wires and totem signs relating to business premises on the opposite side of Fairmile Road. Mature trees at intervals along Fairmile Road also provide a sense of height in the street scene.
8. The proposed monopole would be taller than nearby buildings and greater in thickness than the surrounding vertical features in the street scene. This, together with its siting on an open area of ground, means that it would be highly visible. The adjacent sycamore and lime tree at approximately ten metres high would also not prevent it from being seen.
9. However, the appeal proposal would be sited at the outer edge of the open grassed area. This siting would result in the monopole being grouped together with the trees, streetlight and telegraph pole. This, taken with the simple linear design of the monopole and its galvanised finish, means the appeal proposal would not appear alien or unexpected in this urban context or be harmful to the street scene.
10. The appellant has provided an Arboricultural Report dated May 2022 and a Tree Protection Plan which indicate the siting of the lime tree and the Root Protection Area for the sycamore. The information provided indicates that neither the lime nor the sycamore would be adversely affected by the appeal proposal and this concurs with my view from the site visit. As such, there is no substantive evidence before me that the trees will not have a continued presence in the street scene in the long term.
11. In conclusion, the appeal proposal would be visible in the street scene but given my reasoning above, I do not find that it would be harmful to the character and appearance of the area. In so far as it is a material consideration, the appeal proposal would not conflict with Policy PC3 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy adopted April 2014 which seeks to minimise the impact of such apparatus on amenity. It would also accord with paragraph 115 of the Framework which requires that it is sympathetically designed.

Other Matters

12. Concerns have been raised about potential effects on health, particularly the proposed monopole's proximity to residential properties. 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 something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conditions

13. The Council has suggested that five additional planning conditions be imposed should approval be granted. However, the GPDO 2015 does not provide any specific authority for imposing additional conditions beyond the deemed conditions contained within it. These are that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place. Consequently, I have not imposed the Council's suggested conditions nor the one proposed by the appellant relating to the colour of the monopole.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed and prior approval is granted.

Alison Fish

INSPECTOR