



Appeal Decision

Site visit made on 18 October 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2022

Appeal Ref: APP/P0240/W/22/3297198

Manor Way, Flitwick MK45 1QG

- 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 Hutchinson Networks (UK) Ltd against the decision of Central Bedfordshire Council.
 - The application Ref: CB/21/04047/TD, dated 29 August 2021, was refused by notice dated 29 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 Manor Way, Flitwick MK45 1QG in accordance with the terms of application Ref: CB/21/04047/TD, dated 29 August 2021, and the plans submitted with it.

Procedural Matters

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 a grass area that also contains some mature trees adjacent to the edge of Manor Way. The surrounding area contains a significant number of residential dwellings, which are typically constructed to two stories.

- Although the appeal site is located near to the edge of the settlement, it is close to a significant number of houses that are located in close formation. This gives the vicinity of the appeal site a developed, suburban character.
6. Although the proposed development would result in an increase in the overall level of built form, the reduction in the area of the grassed area would be limited due to the relatively small combined footprints of both the posed monopole and the supporting equipment cabinets. In result, the generally open character of the grassed area would be retained post development.
 7. In addition, the design of the proposed development features a mass that would be relatively small by reason of the limited proportions of the equipment cabinets as well as the proposed monopole having a relatively narrow width. This ensures that the proposal's siting and design would not have an adverse effect upon the area's character.
 8. Although the proposed development would be visible from several different vantage points in the surrounding area, it would generally be viewed alongside a backdrop of residential dwellings. This includes the houses that are situated in the nearby Bluebell Close. Therefore, the siting of the proposed development would not result in an erosion of the predominantly suburban character of the surrounding area.
 9. In consequence, given that the proposed development would be viewed alongside other built structures the proposal would not erode the character of the surrounding area even though it would appear taller than the nearby dwellings.
 10. The vicinity of the surrounding area includes several items of street furniture which includes items such as lighting columns, road signs, and bus shelters. Although these are generally smaller than the proposed development, they also contribute to a generally developed and more built character. In result of this the proposed development would not be discordant.
 11. Furthermore, these factors would also mean that irrespective of the proposed colour palette for the development, it would not be incongruous or draw attention to the proposed development.
 12. There are some mature trees in the surrounding area which would also provide some screening of the proposed development. This also reduces the prominence of the scheme, even though the screening effect would be less than total. This lack of prominence would ensure that the development would not be overly dominant when viewed from the surrounding area. In reaching this conclusion, I have had regard to the presence of views from the junction of Manor Way and Steppingley Road. This would not be harmed as views of the development would be against a backdrop of buildings.
 13. It has been suggested that alternative sites might be a better location for the proposal. However, I have found that the siting and design of the proposed development would not result in an adverse effect upon the character and appearance of the surrounding area. Therefore, it is not a requirement to further consider alternative sites.
 14. 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.

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.

Other Matters

16. The Council has suggested conditions to be imposed in the event that the appeal is allowed. However, the GPDO provides clear direction regarding the implementation of the proposed development and the approved details. Furthermore, owing to the nature of the appeal site and the surroundings a condition requiring the agreement of a colour palette is not required.
17. 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.

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