



Appeal Decision

Site visit made on 8 November 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2022

Appeal Ref: APP/V1260/W/22/3296457 A347, Winton, Bournemouth BH3 7HU

- 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 Hutchinson Networks (UK) Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-18550-NZ, dated 27 November 2021, was refused by notice dated 19 January 2022.
 - The development proposed is 16.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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.

Planning Policy

3. The principle of development is established by the GPDO, and the provisions of Schedule 2, Part 16, Class A do not require regard to be had to the development plan. Nevertheless, Policies 4.4 and 5.11 of the Bournemouth District Wide Local Plan (February 2002) and Policy DS41 of the Bournemouth Local Plan: Core Strategy (October 2012) are material considerations, as they relate to issues of siting and appearance. In particular, they seek to preserve or enhance the character or appearance of conservation areas, to ensure all development is well-designed, and to minimise the impact of new telecommunications apparatus on visual amenity. The National Planning Policy Framework (the Framework) is also a material consideration, and it includes a section on supporting high quality communications.

Main Issues

4. The main issues are whether the siting and appearance of the proposed installation preserves or enhances the character or appearance of the Meyrick Park and Talbot Woods Conservation Area (the CA) and, if not, whether any

harm is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

Character and appearance of the CA

5. The appeal site lies in the CA, which comprises an area of substantial detached villas dating from the Victorian period up to the late 1920s. The houses have fine architectural details from the period, including bay windows, decorated gables and barge boards, slate roofs with terracotta hip tiles, decorative ridge tiles, and finials. The dwellings are arranged in wide tree-lined avenues, with their front gardens enclosed by brick walls and hedges. The significance of the heritage asset therefore lies in the high proportion of remaining original buildings, their architectural quality, and the spacious verdant setting of mature trees and shrubs.
6. The proposed location of the monopole and apparatus is on the pavement outside 2 Talbot Avenue, which is a period detached house, set behind a brick boundary wall. It lies adjacent to a roundabout containing mature trees, with characteristic villas and boundary treatments on all corners, and tree-lined avenues radiating out from it into the CA. The appeal site therefore lies in an area that displays many of the characteristic features of the heritage asset, and makes a positive contribution to its significance.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. The 16-metre metal monopole and utilitarian equipment cabinets would be alien features in the elegant historic surroundings of the CA. Whilst it is contended that the slimline pole design would minimise its visual impact, it would, nevertheless, be a tall and bulky structure. There is other street furniture in the locality, including streetlights to about 10 metres in height around the outer perimeter of the roundabout; lower lamp columns and directional signs on the traffic islands; and very low-level chevron signs on the roundabout itself. The slim profile of the streetlights and the low level of the signage means that these features are not dominant in the street scene, so do not diminish the spacious, verdant quality of the CA. The monopole would be much higher, and significantly broader and, as a consequence, it would fail to assimilate into its surroundings in the same way. It would be a visually dominant and incongruous feature in the street scene.
9. It is contended that the location is suitable, because the installation would be screened by the mature trees in the surrounding area. Whilst this would be the case for some longer distance views, the vegetation would not conceal or mitigate the impact of the monopole or cabinets from close viewpoints. It would be a very obvious and dominant presence in the street scene for all users of the relatively busy roundabout. Consequently, the harm to the character and appearance of the CA in the immediate surroundings of the appeal site would be significant.
10. I am mindful that the height of the monopole is necessary to provide a clear signal with other cells over intervening buildings and vegetation. However, it does also mean that the apparatus would rise above many of the surrounding

trees, resulting in the installation being visible from further afield. Whilst I saw that it would still be relatively well hidden in north-westerly and south-westerly approaches to the roundabout, it would not be so well screened when approaching from the other two directions. From the northeast, a gap in the trees along the west side of Wimborne Road would result in the upper parts of the mast being clearly visible, and intruding into the verdant views into the CA. From the southeast, it is likely that the top of the mast would be visible from considerable distance, forming a focal point in views when travelling towards the site on the A347. In these medium distance views, the proposal would result in moderate harm to the character and appearance of the CA.

11. In coming to these conclusions, I have considered the appellant's suggestion that the equipment could be of a colour appropriate to its location. However, whilst some colours may reduce its prominent appearance to a limited degree, they would not successfully conceal its height, bulk, and alien presence in the genteel surroundings of the CA. It has also been put to me that the equipment cabinets do not need prior approval. However, they are a constituent element of the overall scheme, which includes the monopole, so they cannot be considered separately. Their presence would add to the visual harm to the CA in close views.
12. The CA is extensive, and the proposal would only be visible from a relatively small part of it. Consequently, the harm to the heritage asset as a whole would be less than substantial for the purposes of paragraph 199 of the Framework. Nevertheless, paragraphs 199 and 200 state that great weight should be given to the conservation of heritage assets, and that any harm to, or loss of, their significance should require clear and convincing justification. Paragraph 202 advises that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the development.

Reason for installation and benefits

13. The installation is required to fill a gap in 5G coverage in a relatively densely populated area mainly to the west of the site, and largely within the CA, where access to digital services is poor. Paragraph 114 of the Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Consequently, it advises that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Faster and more reliable connectivity to digital services, as a result of the installation, would provide wide-ranging social and economic benefits to the residents and businesses in the locality, including improved productivity; a reduction in the need to travel; and more efficient public services. These are public benefits that carry significant weight in favour of the proposal.

Alternative sites

14. Paragraph 115 of the Framework advises that the number of telecommunications masts should be kept to a minimum, consistent with the needs of consumers, the efficient operation of the network, and the provision of reasonable capacity for future expansion. It also encourages the use of existing masts, buildings, and other structures. However, it does recognise that new sites may be required for new 5G networks. The appellant's evidence indicates that the sequential approach to site selection set out in paragraph 117 of the Framework has been followed, and that there are no opportunities for erecting

antennas on existing buildings, masts, or other structures. The Council's evidence does not suggest otherwise.

15. The appellant's evidence identifies eight alternative sites and two other options for a new installation within the target coverage area that have been considered. Within a constrained search area, it is argued that the appeal site presents the only viable solution. However, the reasons given for discounting the other sites are brief. The sites referred to as D1, D3, D4 and D6 all lie within the CA, and are closely associated with residential uses. D2 and D5 would both be close to the listed park and garden at Wimborne Road cemetery, and within a residential area. Consequently, all of these locations would be likely to have similarly harmful impacts on the significance of the CA or other designated heritage assets.
16. However, D7 and D8 lie outside the CA, and in a much more urban environment, where a telecommunications mast would be more easily assimilated into the street scene. Whilst D7 would be close to a listed building, the evidence indicates that D8 would be distant from any heritage assets. The only reason given for discounting this site is "insufficient pavement space". However, the pavements in the vicinity of the Withermoor Road/Wimborne Road junction are wide, and the buildings are set back on the corners. In the absence of more detailed evidence, I can not safely conclude that this location would not provide a viable alternative.
17. Options 1 and 2 also lie outside the CA, in an area that is characterised by busy roads and larger, more modern buildings, with a higher prevalence of street furniture. Whilst I note that an appeal for a mast in this general area was dismissed last year¹, it does represent a less visually sensitive area than the appeal site. Options 1 and 2 were both discounted "from a radio perspective". This very limited evidence does not identify whether the sites were discounted because they were entirely unsuitable, or because they provided lesser coverage than the appeal site. They both lie close to the area where Figure 5 of the appellant's evidence indicates that there is a gap in coverage. The evidence provided is insufficient in detail to allow me to conclude that a location in this area could not provide a less visually harmful alternative to the appeal site.

Heritage Balance

18. The siting and appearance of the proposal would result in less than substantial harm to the character and appearance of the CA. Balanced against this harm, there would be considerable public benefits in improved connectivity to a densely populated area that has poor access to digital services. However, it has not been clearly demonstrated that there are no other options for siting the installation that would achieve the same benefits, but with less, or no harm to the heritage asset. Consequently, the public benefits of the proposal, do not outweigh the great weight that the Framework gives to the conservation of heritage assets.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR

¹ Appeal Decision APP/V1260/W/21/3276438