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# 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: 28<sup>th</sup> November 2022**

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**Appeal Ref: APP/V1260/W/22/3295337**

**Leybourne Avenue, East Howe, Bournemouth BH10 5BG**

- 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-NV, dated 12 September 2021, was refused by notice dated 5 November 2021.
  - The development proposed is 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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## 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, Policy 5.11 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 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 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 the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

## Reasons

### *Character and appearance*

5. The appeal site lies close to a crossroads, where there is a cluster of ground floor commercial uses, in an otherwise residential area. The buildings around this junction, and in the wider area, are limited to two storeys in height, with some bungalows immediately opposite. There are some street trees in Hill View Road, to the east, on a verge between the road and a parade of shops. There are also street trees on both sides of Leybourne Avenue, to the north, although they have been heavily pollarded, so are only about 10 metres tall, and have very limited canopies. The site therefore lies in an area that is suburban in appearance, with domestic scale buildings and an open, spacious character.
6. There are streetlights of slim design, about 8 metres high, down both sides of Leybourne Avenue on either side of the crossroads. Those to the north are interspersed with the street trees, so are not prominent, whereas those to the south are more noticeable features in the street scene. There are also telegraph poles to a height of about 8 metres in the vicinity, together with low level railings, bollards, planters, a bench, and a pillar box. However, street furniture is not visually predominant in the area. The street scene is, instead, characterised by the domestic scale buildings, of traditional design, and the landscaping in the gardens and along the verges.
7. The proposed 15 metre monopole and associated cabinets would be located on a small patch of grass on a wider area of public space that is formed by the angled layout of the buildings adjacent to the crossroads. It would be some distance from the street trees to the north or east, so the installation would not be screened by them in close views around the junction. The equipment would, therefore, be fully visible and a highly prominent feature on this open corner site.
8. Whilst there are streetlights in close proximity, they are of a much slimmer design, and only a little more than half the height of the proposed mast. The structure would be higher than any of the surrounding buildings and trees, and would be much bulkier than any of the existing street furniture in the locality. It would, therefore, be a dominant and incongruous feature, that would fail to assimilate into its suburban surroundings. Its harmful visual impact would be readily perceived by residents, people visiting the commercial hub and the school in Hill View Road, and drivers passing through the crossroads.
9. It is contended that the street trees would reduce the visibility of the installation from points beyond Leybourne Avenue. However, I saw that the monopole would be largely unscreened, and would form a prominent focal point in views from the south, up Coombe Avenue, from beyond its junction with Barnes Road, about 280 metres from the site. The trees would have some screening effect in views from the other three arms of the crossroads. However, the entire mast would be evident behind the line of trees in views from the east, down Hill View Road, from its junction with Broughton Avenue, about 100 metres away. From the north, it would be visible behind the line of trees from a similar distance. In all of these views, it would be an alien feature in this otherwise suburban location. Consequently, its harmful impact would not be confined to the area immediately around the crossroads.

10. In arriving at this conclusion, I have considered the appellant's suggestion that the colour of the mast could be specified. However, whilst some colours may reduce its prominence to a limited degree, they would not successfully conceal its height, bulk, and incongruous presence in these suburban surroundings. 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 clutter and visual harm in close views of this open and well-used public space.
11. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the area. Consequently, I must consider whether this harm is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

*Reason for installation and alternative sites*

12. The installation is required to fill a gap in 5G coverage in a largely residential area surrounding the site, where access to digital services is poor. 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 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.
13. It is contended that, within a constrained search area, the appeal site presents the only viable solution, bearing in mind technical requirements. The appellant's evidence highlights ten alternative sites within the target coverage area that have been considered, but the reasons given for discounting them are brief. The sites referred to as D3 and D10 were rejected due to their proximity to residential properties. However, the siting of the monopole on the appeal site would be very close to residential uses above the ground floor commercial properties, so would be no further from sensitive receptors than these alternative sites. Notwithstanding this, these two sites, and those referred to as D1, D2 and D9, would be in areas of a similarly suburban character, with domestic scale buildings, and would not, therefore represent less harmful locations for the installation.
14. Site D8 is rejected as it is in Flood Zone 2, and D7 because it is too far from the nominal location. These reasons are not, however, advanced for discounting sites D4, D5 and D6. These sites lie in a more urban location, bisected by a busy A road, with a range of non-residential uses, where a new installation may be more easily assimilated. The reasons given for discounting these sites are insufficient pavement width and overhead telegraph wires. However, there are some very wide pavements in this area, and the network of overhead wires is not particularly dense. The evidence is not sufficient in detail for me to safely conclude that this general area would not provide a less harmful location for a new site.
15. The Council has questioned why alternative sites, further from residential areas, have not been considered. The Redhill Park area to the east is cited in

particular, but there is also a wooded area, bisected by Sandy Way, closer by. Both would seem to have the potential to provide a well-screened location for a new telecommunications installation. Whilst they are some distance from the nominal location, they are no further than some of the other alternative sites that were considered, and could be roughly equidistant between the two existing 3UK Sites at BOU14765 to the north and BOU021 to the south. The appellant's evidence does not explain why a new site in either of these areas would not be viable. I cannot, therefore, discount the possibility that a new installation could be provided in these locations that would be less harmful to the character and appearance of the area than the appeal proposal.

16. On the evidence before me, therefore, I cannot conclude that the appeal site represents the least harmful alternative for a new installation to provide 5G coverage for the area. Consequently, the harm that the proposal would cause to the character and appearance of the area is not outweighed by the need for it to be sited as proposed.

### **Other Matters**

17. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

### **Conclusion**

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

*Nick Davies*

INSPECTOR