



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: 28th November 2022

Appeal Ref: APP/V1260/W/22/3298732

Wimborne Road street works, Wimborne Road, Bournemouth BH11 9AQ

- 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 7-2021-18550-OC, dated 30 November 2021, was refused by notice dated 24 January 2022.
 - The development proposed is erection of a 15 metre-high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading is different to that given on the application form. However, it accords with that used by the Council on its decision notice, and it is a more accurate description of the location of the appeal site.
3. I have used the description of the development given on the appeal form, rather than that on the application form, as it more accurately and succinctly describes the proposal.
4. 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

5. 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

6. The main issues are the effect of the siting and appearance of the proposed installation, including any potential impact on nearby trees, 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

7. The appeal site lies adjacent to the busy A341 road, which in this location runs through a primarily residential area. The dwellings in the vicinity are predominantly two storeys, but there are also some bungalows on the opposite side of the road, and on either side of the junction with Tonge Road. The houses on the northern side are at a higher level, and served by a separate access road, which runs behind a raised grass verge. This verge contains a line of trees which, together with the planting in the front gardens on either side of the road, help to soften the appearance of the area. Consequently, it has a less urban character than the stretch of road to the east, which has a wider carriageway and pavements, and is lined on both sides by commercial properties. The appeal site is, therefore, a largely suburban environment, albeit that it is bisected by a busy A road.
8. There are 10-metre-high streetlights on either side of the road, but they are slim in profile, and on the southern side of the road they merge with the canopies of the trees. Consequently, they do not dominate the street scene. There are also telegraph poles to about 8 metres in height, which due to their limited stature and rustic materials are fairly recessive features. There is no other street furniture of any substantial height in the locality, and no significant road signs. Whilst there are two small cabinets on the verge on the opposite side of the Tonge Road junction, the area around the appeal site is not characterised by a preponderance of street furniture.
9. The proposed 15 metre telecommunications pole would be much higher and bulkier than the streetlights and telegraph poles, so would be a far more strident feature in the street scene. Whilst from some angles the trees would screen the lower part of the pole, the upper part would rise above the canopy, and would be a prominent and incongruous feature that would be out of proportion with the surrounding domestic scale buildings, and recessive street furniture. The discordant height of the installation would be accentuated by its siting on the raised grass verge, approximately a metre higher than the road. From close viewpoints the trees would not screen the installation at all, so it would be a very imposing structure that would harm the appearance of the area.
10. This harm would not be reduced, to any significant extent, by the use of a grey colour, as the bulky, utilitarian character of the installation would still be readily evident. It has been put to me that the pole and cabinets are designed to be installed alongside public roads, and are often found in urban locations. Whilst this may be the case, I have found the site to have a largely suburban

character. Consequently, the installation would not assimilate successfully into its immediate surroundings, and would result in significant harm to the appearance of the area from close viewpoints.

11. Due to its height, and the generally domestic scale of the surrounding buildings, the pole would be visible over a wide area. I saw that it would be seen from the east from at least as far away as the junction of the A341 with Lake Road, about 275 metres away. It would also be visible looking down the A341 from the west, from at least 200 metres away. It would, therefore, be a feature in the street scene for a considerable length of this busy road. In these longer distance views, the upper part of the pole would be evident above the level of any of the surrounding buildings, street furniture or trees, and would appear as an intrusive feature in its largely suburban, residential setting. As the lower part of the installation would be well-screened, the harm to the character and appearance of the area would be moderate in these longer distance views.
12. The proposed installation would be quite close to the trees on the grass verge and no evidence has been submitted to demonstrate that there would be no harm to them. However, the pole would be outside the canopy spread of the trees, and excavations would only be required in a limited area, some distance from the trunks. In these circumstances, it is unlikely that significant roots would be encountered, and most of their rooting areas would be undisturbed. Based on the evidence before me, I conclude that it is unlikely that there would be significant harm to the trees that would result in their loss or decline.
13. Nevertheless, for the above reasons, I conclude that the proposal would result in significant harm to the character and appearance of the immediate area, and moderate harm in wider views. 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

14. The installation is required to provide 5G coverage to a densely populated area surrounding the site, which includes housing and commercial uses. 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.
15. The appellant's evidence identifies six alternative sites within the target coverage area that were considered. However, there is little detail about the precise locations, and the reasons given for discounting them are brief. The sites referred to as D1 and D5 were rejected partly due to their proximity to residential properties. However, the proposed site is in a residential area, and would only be about 15 metres from the nearest house. Although the appellant contends that the site was carefully chosen so as not to be directly in front of any residential properties, I saw that it would be right in front of the driveways to Nos 1538 and 1540 Wimborne Road and immediately opposite No 1649. It

would, therefore, be no more suitable in respect of its proximity to residential uses than the two discounted sites. Notwithstanding this, I saw that these two sites, and that referred to as D6, would be in areas of a similarly suburban character, with domestic scale buildings. They would not, therefore, represent less harmful locations for the installation.

16. The sites numbered D2, D3, and D4, however, would lie in an area where the A341 widens, and is lined by commercial buildings of a larger scale. These sites are, therefore, in a more urban location, with more traffic signs and street furniture, where a new installation may be more easily assimilated. The reasons given for discounting D3 and D4 are visibility splay concerns and cars parking on the pavement. However, there is no detail about the extent of any impact on visibility, or whether there has been consultation with the Highway Authority on this issue. Furthermore, whilst cars may park on the pavement, it is not clear whether there are any acquired rights to do so, or whether it should be an impediment to a more suitable siting for the installation.
17. Site D2 lies adjacent to a busy roundabout near a supermarket and other large commercial/community buildings. There is also an area of green open space here, which contains some trees. The brief reasons given for discounting the site are the pavement not being suitable, and visibility concerns. However, I saw no obvious reason why the pavements in this area would be unsuitable. They are wide and level, and already accommodate streetlights, road signs and a bus shelter. Whilst a location immediately adjacent to the roundabout junction may give rise to visibility concerns, there is no explanation as to why the wide pavements further from the junction would not be suitable, or why a siting just behind the pavement on the grassed area would not be viable.
18. I therefore find that the evidence provided is not sufficient in detail for me to safely conclude that there are no more suitable sites for the installation, along the more urban stretch of the A341 to the east of the appeal site. 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

19. 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

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

Nick Davies

INSPECTOR