



Appeal Decision

Site visit made on 30 November 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2022

Appeal Ref: APP/Q0505/W/22/3296471

Queen Edith's Way, Cambridge CB1 7SW

(Grid Ref Easting: 546631; Grid Ref Northing: 255552)

- 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 GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Cambridge City Council.
 - The application Ref 21/05118/PRIOR, dated 16 November 2021, was refused by notice dated 28 January 2022.
 - The development proposed is 16.0m phase 8 monopole c/w wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the location of the development and the appellant's details from the application form as I consider this accurately represents the proposal and the appellant.
3. Because this is an application for prior approval, the provisions of the GPDO 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. This appeal will be determined on the same basis.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. However, I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is located on a narrow grass verge between the pavement and the boundary of an adjacent property. The site is close to a busy crossroads which serves major roads passing through the area, and is therefore in a particularly prominent location.
7. There are a number of mature trees in this area, although the appeal site is located in part of the streetscape where tree cover is limited. The mast would therefore be readily apparent as a bulky vertical structure projecting above the boundary treatment and nearby landscaping. Although existing trees may provide a degree of screening in some views, due to the location of the mast in a relatively open streetscape next to a busy junction, it would be readily visible as an incongruous and obtrusive addition to the area. Even allowing for screening, the mast would be visible in some longer distance views along roads approaching the junction.
8. The appellant refers to numerous elements of street furniture with similar vertical lines that will allow the proposal to visually assimilate with its surroundings. However, the proposal would be of a greater height and bulkier design than the man-made vertical features that exist in the area, such as street lights and traffic lights, and these features do not therefore establish a context which would mitigate for the siting and appearance of the proposal.
9. The cabinets would also add clutter in what is currently a relatively understated location, adding to the visual harm arising from the mast. The partial projection above the boundary fence would also add to this incongruous appearance. The appellant states that the associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval and should not be considered as a reason for refusal. However, I am not persuaded that there is a greater than theoretical possibility that the installation of the cabinets on their own in this location may occur. My concerns in respect of the main issue and the siting and appearance of the proposal as a whole remain.
10. The appeal site would not be unduly intrusive in views from residential properties. However, the appeal site is located adjacent to a busy junction, and a lack of harm in respect to views from residential properties does not lead me to a different conclusion in respect of the prominent location of the site within the public realm of the area.
11. I conclude that the proposal would lead to significant harm to the character and appearance of the area due to its siting and appearance. The proposal would therefore be contrary to policies 55, 56, 57, 65 and 84 of the Cambridge Local Plan 2018 which together seek to ensure that telecommunications development is of an attractive design which does not have an adverse impact on the character and setting of the area, and that its visual impact is minimised through its design and location.

Other Matters

12. Paragraph 117 of the Framework sets out that evidence must be supplied to demonstrate that alternatives have been taken into consideration. The appellant has undertaken a sequential approach to site selection with all the alternatives discounted. The appellant sets out that no opportunities for site

sharing are available, resulting in the erection of a new ground-based mast in a street environment being the only viable option.

13. However, even given the limited size of a 5G cell and the constraints of this area, I saw that there are a number of buildings which may be suitable for the location of antennas, and the appellant has not set out why these were discounted. Similarly, the alternative locations considered appear to relate primarily to the public realm associated with the highway, and there may therefore be sites located away from main thoroughfares which would not lead to the harm arising from the proposal. This reflects the conclusions of the Council, which considers the appellant's evidence is rather simplified, and does not fully explore other sites. On the basis of what I have seen and read, the appellant's sequential approach and site selection exercise would not appear to be suitably robust.
14. I am mindful of the economic and social benefits of providing and enhancing electronic communication infrastructure. The appellant emphasises that the 5G service provides faster speeds and is able to handle more data. Furthermore, paragraph 114 of the Framework advises that advanced, high-quality and reliable communication infrastructure is essential for economic growth and social well-being and that the expansion of electronic communication networks, including next generation mobile technology (such as 5G), should be supported. These matters weigh in the proposal's favour. However, it has not been demonstrated that these benefits would not be possible on sites in the vicinity of the appeal proposal which are more suitably located in respect of character and appearance.

Conclusion

15. Based on the evidence before me, it has not been demonstrated that the appeal site is the only viable solution with regards to supporting high quality communications. I conclude that the benefits of the installation in terms of an enhanced telecommunications network would not outweigh the significant harm that I have identified to the character and appearance of the area. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR