



Appeal Decision

Site visit made on 16 January 2023

by James Blackwell LLB (Hons) PGDip

an Inspector appointed by the Secretary of State

Decision date: 02 February 2023

Appeal Ref: APP/V1260/W/22/3298735

187 Tuckton Road, Bournemouth, Dorset BH6 3LB

- 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-OB, dated 3 December 2021, was refused by notice dated 20 January 2022.
 - The development proposed is 19.0m "slim line" Phase 8 Monopole C/W wraparound Cabinet at base, 3 additional ancillary equipment cabinets and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice, as this was missing from the original application form.
3. Because this is an application for prior approval, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 the proposed 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. Nonetheless, I have had regard to the National Planning Policy Framework 2021 (Framework), the Bournemouth District Wide Local Plan (2002) and the Bournemouth Local Plan: Core Strategy (2012), insofar as they are relevant to matters of siting and appearance. The Framework also promotes the need for high quality mobile communications, which is a material consideration to which I have had regard.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed development on the character and appearance of the area and on the living conditions of nearby occupiers, and where harm is identified, whether this

would be outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

Reasons

Character and Appearance

6. The appeal site comprises an area of grass verge on the northern side of Tuckton Road, which is designated within the Council's Core Strategy as Open Space. Whilst parts of Tuckton Road include commercial premises with residential properties above, the land immediately north of the grass verge is residential in nature, and is predominantly made up of low level bungalows. The low level built form around the appeal site gives a strong sense of openness to this section of the road, which contributes positively to the area's overarching character. As an undeveloped expanse of grassland, the appeal site's verdancy complements this sense of openness, which is further amplified by the presence of a large tree occupying part of the verge.
7. The proposed development would introduce a 19m high monopole to the grass verge, together with ground-based equipment cabinets. Given its extensive height, a significant proportion of the monopole would project far beyond the highest points of neighbouring buildings, as well as other nearby street furniture. In turn, it would dominate the surrounding landscape, and severely disrupt the prevailing sense of openness in and around the appeal site. This impact would be particularly acute, given the low level nature of the nearby bungalows. The supporting cabinets and ancillary equipment would also add bulk and clutter to the verge, which would further disrupt its open and verdant quality.
8. The Council's Tree Officer has raised concerns regarding potential harm to the tree that occupies part of the grass verge, yet no tree survey, arboricultural impact appraisal or arboricultural method statement has been submitted by the appellant. Without such information, I cannot be certain that the tree would be properly safeguarded as part of the development. This is a particular concern, given the importance of the tree to the verdant character of the appeal site.
9. On account of these factors, I consider that the siting and appearance of the proposed development would cause harm to the character and appearance of the area.

Living Conditions

10. The Council's Environmental Health Officer advised that the appeal application was not supported by any acoustic data to outline the acoustic qualities of the proposed cabinets, nor their effectiveness in controlling noise from the plant housed within. Without evidence to indicate otherwise, I cannot be sure that the proposed siting of the development would not compromise the living conditions of nearby residents with regard to noise.

Alternative Locations

11. The appellant has explored a number of alternative locations for the proposed development. Five alternative sites within the search area have been discounted, for reasons including inadequate visibility splays, presence of overheard equipment and proximity to residential housing. However, any detail beyond these headline reasons is absent. Without a comprehensive assessment

of these alternatives, I am unable to conclude that less harmful alternatives have been fully explored. Even accounting for the importance that the Framework places on the need for high quality mobile communications, the need for installation in the particular location proposed has therefore not been sufficiently demonstrated to outweigh the harm to the character and appearance of the area, nor to the living conditions of nearby residents.

Other Matters

12. Whilst I acknowledge there are significant social and economic benefits associated with the proposal, consideration of this appeal is limited to matters of siting and appearance only. These factors cannot be taken into account, as they go beyond the scope of the GPDO

Conclusion

13. The siting and appearance of the development would harm the character and appearance of the area, and would risk harm to the living conditions of nearby occupiers. It has not been demonstrated that the need to site the development in the location proposed would outweigh this harm. The appeal should therefore be dismissed.

James Blackwell

INSPECTOR