



Appeal Decision

Site visit made on 7 February 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2023

Appeal Ref: APP/P0240/W/22/3304995

Clarence Road street works; Clarence Road Leighton Buzzard LU7 3EJ

- 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 appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/02187/TD, dated 26 May 2022, was refused by notice dated 15 July 2022.
 - The development proposed is a 5G telecoms installation: H3G Phase 8 high street pole c/w wrap-around cabinet and three further additional equipment cabinets.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a 5G telecoms installation: H3G Phase 8 high street pole c/w wrap-around cabinet and three further additional equipment cabinets at Clarence Road street works; Clarence Road Leighton Buzzard LU7 3EJ in accordance with the terms of application Ref: CB/22/02187/TD, dated 26 May 2022, and the plans submitted with it.

Procedural Matter

2. The application was submitted pursuant to Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The principle of development is established by the GPDO. The development is, however, subject to the developer firstly applying to the local planning authority as to whether prior approval will be required for the siting and appearance of the development.
3. Therefore, I have limited my considerations to matters pertaining to the siting and appearance of the development. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

4. The main issue relevant to this appeal is the effect of the development upon the character and appearance of the surrounding area.

Reasons

5. The appeal site consists of a relatively narrow grassed area to the side of Clarence Road. The appeal site is near to a car parking area and, beyond that, is a parade containing some shops and other businesses. The wider area contains residential accommodation, constructed to a variety of different designs and scales. This gives the appeal site, and the wider area, a suburban character.
6. The proposed development, by reason of the height of the structure, would result in an increase in the overall level of built form in the surrounding area. However, this increase would be relatively limited by reason of the comparatively narrow width of the monopole and small footprint of the combined elements of the proposed development.
7. In addition, whilst the proposed development would be of a notable height, it would be viewed alongside buildings of varying scales and styles. Given that some of these buildings have a height of three storeys, the proposed development, including its height, would not appear discordant within this more developed context.
8. Although the surrounding area features some areas of open space, views of the proposed development would be relatively limited in nature. In addition, such views would be against a backdrop of various buildings. Therefore, the development would not be incongruous in this suburban context.
9. The surrounding area features several items of street furniture including street lighting, equipment cabinets and signage. Whilst these items are typically much smaller than the appeal proposal, they contribute to a generally developed appearance in the surrounding area. In consequence, the siting of the proposed development would not appear discordant.
10. My attention has been drawn to a previous appeal decision. I do not have the full information regarding the planning circumstances of this, which means that I can only give it a limited amount of weight in my considerations. Nonetheless, I note that the location of the previous appeal scheme differs from the site before me.
11. In consequence, the contexts of the previous appeal site and the scheme before me are such that there are likely to be significantly different. This means that the effects on the character of the respective surrounding areas are therefore likely to be different. In result, I do not find that the previous appeal decision is sufficient to allow me to disregard my previous findings.
12. I acknowledge concerns raised by the Council regarding the assessment of alternative sites for the proposed development. However, given that I have found that the siting and design of the appeal proposal is acceptable, I do not need to give this matter further consideration in my assessments.
13. The development would therefore be in conformity with the requirements of Policies HQ1 and HQ3 of the Central Bedfordshire Council Local Plan (2021). Amongst other matters, these require that developments relate well to the existing local surroundings and be sited to minimise visual intrusion
14. I therefore conclude that the siting and design of the proposed development would not have an adverse effect on the character and appearance of the

surrounding area. The siting and design of the development would therefore be in conformity with the requirements of the Framework.

Other Matters

15. I acknowledge concerns regarding the effect of the development upon health levels. The appeal documentation contains an International Commission on Non-Ionizing Radiation Protection declaration. Therefore, in line with the requirements of the Framework, I have no reason to believe that the proposed development would lead to an adverse effect upon the health of individuals.
16. The Framework is also clear, at Paragraph 118, that planning decisions should not question the need for an electronic communications system.

Conclusion

17. For the preceding reasons, I conclude that the appeal should succeed, and prior approval be given.

Benjamin Clarke

INSPECTOR