



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: 2 March 2023

Appeal Ref: APP/P0240/W/22/3305261

Billington Road street works, Billington Road, Leighton LU7 4SB

- 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/22/02190/TD, dated 26 May 2022, was refused by notice dated 19 July 2022.
 - The development proposed is a 5G telecoms installation: H3G Phase 8 high street pole c/w wrap-around cabinet and; and three further additional equipment cabinets.
-

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; and three further additional equipment cabinets at Billington Road street works, Billington Road, Leighton LU7 9SQ 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 grassed area adjacent to a road, that also features some large trees. The appeal site is within the built-up area and, therefore, there are a variety of buildings in the surrounding area. These are constructed to a variety of scales and architectural styles. Although two storey buildings are nearest to the appeal site, the wider area features some larger buildings. The appeal site is also near to some roads.
6. The proposed development would result in an overall increase in the level of built form. However, this increase would be kept to a relatively small amount due to the design of the proposed installation. In particular, the proposed monopole would have a relatively narrow width. Furthermore, the cumulative footprint of the proposed installation would not be large, even when the monopole and supporting equipment cabinets are combined.
7. Although the proposed development is higher than some of the surrounding buildings, there are some taller buildings in the wider area. Within this context, the proposed development would not be incongruous. In addition, the proposed monopole would not be significantly taller than the mature trees that are near to the appeal site. In result, the proposed development would not be particularly prominent, or discordant in the surrounding area and would not also erode the landscape of the appeal site, or the surrounding area.
8. In addition, the majority of views of the proposed development would be masked by the existing trees. Furthermore, the proposed development would not be particularly prominent in the surrounding area.
9. In consequence, the proposed development would not be a prominent addition to the surrounding area. In reaching this view, I have had regard to the relatively close building pattern nearby. In result, the development would not be a significantly notable addition to the surrounding area.
10. The vicinity of the appeal site features several items of street furniture. This includes items such as traffic signs and street lighting. This means that the proposal would not appear incongruous within the developed context of the surrounding area. This effect would occur even though the proposed monopole would have a height that would be greater than these existing installations.
11. I note 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, the fact that the development could be accommodated elsewhere does not overcome my previous findings. I do not need to give this matter further consideration in my assessments.
12. 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.
13. 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

14. 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.

Conclusion

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

Benjamin Clarke

INSPECTOR