



Appeal Decision

Site visit made on 1 February 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/K0235/W/22/3305370

Henley Road, Queens Park, Bedford MK40 4FX

- 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) ('GPDO').
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Bedford Borough Council.
 - The application Ref 22/01240/TELPN, dated 25 May 2022, was refused by notice dated 7 July 2022.
 - The development proposed is the installation of new Fifth Generation (5G) equipment, comprising 17-metre monopole supporting 6no. antennas, 4 no. equipment cabinets and development works ancillary thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. For the purposes of my Decision, and in the interests of accuracy, I have taken the description of the proposal from the Council's decision notice as this incorporates reference to 'antennas.'

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area and, in the event that any harm is identified, whether that harm would be outweighed by the need to site the installation in the location proposed and any benefits associated with the proposal.

Reasons

4. The appeal site comprises part of a pavement located on the southern side of the junction of Kempster Close and Henley Road. Together, these roads provide part of the access to a modern residential development, to the north of the appeal site. Immediately to the south and to the west of the appeal site are areas of undeveloped land allocated for mixed-use development in the Bedford Borough Local Plan 2030 ('LP'). At present, these undeveloped but grassed parcels of land, together with the landscaping associated with the frontages of properties along Kempster Close, give the area an open and verdant character and appearance. To the east of the site, at a distance is the railway line leading to main Bedford Railway Station.
5. The proposed 17m monopole is to be sited adjacent to the highway and would incorporate a wrap-around cabinet at its base, along with further separate

cabinets adjacent to this. The proposal is part of an integral requirement to expand Fifth Generation (5G) telecommunications network coverage for improving service in and around the Henley Road area of Bedford.

6. Because of its siting at a junction, the proposal would be prominent in views when travelling along Kempster Close, Henley Road and to a lesser extent from Ford End Road to the south.
7. Moreover, close by to the appeal site vertical street furniture is limited to streetlighting. These are slender in form and not particularly tall relative to the nearby buildings. Therefore, these elements are not visually obtrusive and are settled within the street scene and do not detract from the open character and appearance of the site and area.
8. In contrast, the proposed 17m monopole would be appreciably taller and thicker in diameter and bulkier with a visibly distinct headframe design, in relation to the supporting column than the existing streetlights. As such, this would not visually integrate with the nearby streetlighting. Therefore, irrespective of the colour of the proposed equipment, I am not persuaded that this would assimilate into the street scene. I am also not persuaded that the streetlights provide any significant screening and/or backdrop to the proposed development.
9. Most notably, because of its prominent siting, in views towards the south, the monopole would be set against the backdrop of the undeveloped land and although there are trees along the southern boundary of this land, these are a substantial distance from the appeal site and would offer very little mitigation to absorb the scale and impact of the monopole. In other views north from along Kempster Close, and east and west along this road, the monopole would rise appreciably above the height of the modest 2-storey houses and other taller buildings that are closest to the site. Therefore, in most of these views, the proposed monopole would appear unduly visually dominant.
10. The position of the monopole and cabinets in proximity of the roadside would further contribute to the visual dominance of the proposal as perceived by pedestrians using the footpath passing drivers, including those accessing and leaving the residential estate.
11. Therefore, the siting and appearance of the proposal would introduce a stark and incongruous feature within the street scene, which would unacceptably detract from the open and verdant setting of the appeal site.
12. For the above reasons, the proposal would result in unacceptable significant harm to the character and appearance of the area.
13. Having taken account of the LP as far as this is a relevant consideration within the terms of the GPDO, the proposal would conflict with the design aims of policies 29, 30 and 96 of the LP.

Other considerations

14. Support for the delivery of advanced, high quality and reliable communications networks is afforded by the Framework, by other government documents and the development plan, and such networks bring significant social and economic benefits. Furthermore, the proposal would support new 5G coverage to a predominantly residential area.

15. Paragraph 117 of the Framework outlines that for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure should be submitted.
16. According to the appellant's submissions a sequential approach to site selection was undertaken, which included an initial desktop survey followed by a physical inspection of the area. However, although 5 discounted sites were considered, a number of these are located outside the intended target/search area.
17. Taking account of the appellant's contention that to achieve the operational requirements of 5G, the selected site should be within or as close to the intended target/search area as possible, and that only 5 options have been considered overall, the inclusion of a number of sites considerably outside the target/search area reduces the likelihood that the selection process has considered a sufficient range of potentially available alternative options. The appellant's evidence also refers to one other option being put forward during the site search process. However, on the information before me it is unclear which site this relates to. For these reasons, I am not persuaded that the site selection process was sufficiently robust and that a less harmful location could not be found.
18. Even if I were to accept the appellant's evidence on alternative sites, this does not outweigh the significant harm arising from the proposal.
19. The fact that the proposal would meet the ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines for public exposure is a requirement of prior approval and does not influence my findings on the main issue.

Planning balance and conclusion

20. I acknowledge the potential economic and social benefits of the proposal detailed by the appellants, and the support given by the Framework in Paragraph 114 to advanced, high quality and reliable communications infrastructure, including 5G networks, in supporting economic growth and social well-being.
21. However, in this case, for the reasons given above, I do not consider that the public benefits of the installation in terms of the enhancement of the telecommunications network, its contribution to economic growth and the locational needs of the appellant outweigh the significant harm that I have found arising from the proposal due to its siting and appearance. I, therefore, conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR