



Appeal Decision

Site visit made on 24 July 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/V1260/W/22/3309800

Priory Road Streetworks, Priory Road, West Cliff, Bournemouth BH2 5AR

- 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 Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2022-18550-PE, dated 28 May 2022, was refused by notice dated 19 July 2022.
 - The development proposed is described as 'Proposed telecommunications installation: Proposed 15.0m Phase 9 slimline Monopole and associated ancillary works'.
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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) the development described as 'Proposed telecommunications installation: Proposed 15.0m Phase 9 slimline Monopole and associated ancillary works' at Priory Road Streetworks, Priory Road, West Cliff, Bournemouth BH2 5AR in accordance with the terms of the application, Ref 7-2022-18550-PE, dated 28 May 2022 and the plans submitted with it.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require local planning authorities to assess the proposed development solely based on its siting and appearance, taking into account any representations received. My determination of this appeal is made on the same basis.

Planning Policy

3. Part 16 of the GPDO establishes that the proposal is permitted development, and so is accepted in principle by virtue of the legislation. There is no requirement to have regard to the development plan as there would be for any development requiring express planning permission. However, I have had regard to the saved policies of the Bournemouth District Wide Local Plan adopted February 2002, and the policies of the Bournemouth Local Plan Core Strategy adopted October 2012, the Bournemouth Local Plan: Town Centre Area Action Plan adopted March 2013 and the Bournemouth Public Realm Strategy Supplementary Planning Document adopted April 2013, as cited in the Council's decision notice, as well as the National Planning Policy Framework (the Framework) as material considerations.

Main Issues

4. The main issues in this appeal are:

- The effect of the siting and appearance of the proposed development upon the setting of the Grade II listed Royal Exeter Hotel;
- The effect of the siting and appearance of the proposed development upon the character and appearance of the surrounding area; and
- The effect of the siting of the proposed development on the safety and convenience of highway users.

Reasons

Setting of the Listed Building

5. The Grade II listed Royal Exeter Hotel (REH) was Bournemouth's first villa. The principal elevation faces south eastwards towards the sea front. It's battlemented tower was added later in the nineteenth century and remains particularly visible from views in the wider area. The appellant has not described the building's significance but from what I saw and have read, I understand its significance to be it's architectural and historic interest.
6. The setting of a listed building is defined in the glossary to the National Planning Policy Framework (the Framework) as the surroundings in which the heritage asset is experienced. The REH is located adjacent to a roundabout where the surrounding land uses are predominantly commercial. The side and rear elevations of the REH are visible on the approach along Priory Road and Exeter Road. However, the listed building is experienced within a congested urban street scene where there are a number of streetlights and signs including large directional signs. For the purposes of this appeal, I consider that the appeal site contributes little to the significance of the listed building or its setting.
7. The Council also refer to the Grade I listed Church of St. Peter being visible in townscape views and I saw that it was visible from Priory Road. However, the Council do not make the case that the appeal proposal would be located within or affect the setting of the Grade I listed church and from what I have seen and read, I agree.
8. There are a number of trees located close to the appeal site and on the opposite side of Priory Road. As such, the view of the REH from Priory Road is truncated by the trees on either side. The 15 metre high monopole would be set back at the rear of the footway adjacent to a pedestrian access into the car park. Such siting means that it would be screened for the most part by the trees and would not appear to dissect views of the REH to any meaningful extent when approaching along Priory Road. It would therefore be viewed as being part of the urban surroundings of the listed building rather than part of it.
9. The proposal also includes the provision of cabinets at street level. These would be set against an existing wall and would appear in the street scene along with the other street clutter I refer to above. The way in which the listed building is experienced and its significance would not be harmed by the siting of the monopole or associated equipment.

10. I therefore conclude that the siting and appearance of the proposed development would have a neutral effect upon the setting and significance of the Grade II listed REH. As such I find no conflict with Policy CS39 of the Bournemouth Local Plan Core Strategy adopted October 2012 (LP) or the Framework insofar as they seek to protect designated heritage assets from proposals that would adversely affect their significance.

Character and Appearance

11. The appeal proposal would introduce a tall, straight, man-made structure larger than the existing streetlights into the urban landscape. The Council refer to the monopole being visible in townscape views and I agree that it would be.
12. However, I do not agree with the Council that the effect would be a harmful one. I have already set out above that the appeal site is located in a predominantly commercial area with a variety of signs, streetlights and other installations which result in a cluttered and congested street scene. Whilst the monopole would be visible, it would be viewed within a streetscape containing many different structures and installations. As a result, it would not appear as a discordant addition to the street. For these same reasons, I find that the proposed equipment cabinets at street level would not be harmful.
13. The impact of the monopole would be further minimised by reason of its relatively narrow proportions. This would reduce its effect on the wider area as it would not provide a strident mass. This means that notwithstanding the height of the development, which would be taller than other developments such as streetlights in the area, the proposal would not be overly prominent.
14. The presence of the trees, close to the appeal site, means that the monopole would be seen together with and against a backdrop of trees from a number of view points. Whilst these would not prevent views of the monopole, they would to a notable extent, obscure and diffuse views of the majority of the proposal. The Council advise that planning permission has been granted for the redevelopment of the adjoining site with a landmark development and that the trees would be lost. However, I have not been provided with any timescale for the development taking place or any certainty that it will occur.
15. In townscape views, such as those drawn to my attention by the Council from Priory Road, the monopole's narrow proportions and simplicity of form would not detract from the rather more imposing presence of the spire to the Grade I listed Church of St Peter.
16. I therefore find the siting and appearance to be acceptable in terms of the effect on the character and appearance of the area. As such, I find no conflict with Saved Policy 5.11 of the Bournemouth District Wide Local Plan, Policy CS41 of the LP and Policy D7 of the Bournemouth Town Centre Action Plan (BTCAP) insofar as they seek to minimise the impact of development on visual amenity and conserve townscape.

Highway safety

17. The Council say that Priory Road is a main thoroughfare leading towards the town centre, the beach and the lower gardens where pedestrian flows, particularly during the summer season on a Friday and Saturday night, exceed the available footway with pedestrians spilling into the carriageway. Whilst I was not there on a Friday or Saturday night, I walked along both Priory Road

and Exeter Road and saw that these are well trafficked roads with a footway on either side.

18. The Council are concerned that the appeal proposal would reduce the width of the footway and create a pinch point which would result in pedestrians spilling onto the carriageway at peak pedestrian flow times. I saw that where the pedestrian footways meet at the junction of Priory Road and Exeter Road, the footway widens. Indeed, the submitted drawings indicate that even with the proposal in-situ, a pavement width of 4m would be retained. Even if I allowed for a 0.2m buffer from each of the curb edge and the cabinet as suggested by the Council, the useable width of the footway would be 3.6m.
19. No recommended minimum footway dimensions or standards have been drawn to my attention. However, from what I have seen and read, I am satisfied that an unimpeded footway width of 3.6m would be sufficient to ensure that users of the footway including those with push chairs or in wheelchairs, have room to pass each other. I have had regard to the Council's evidence that three slight personal injury collisions have been recorded in the most recent five-year rolling period at the roundabout. However, there is nothing before me to indicate whether these were at the appeal site, recorded at peak pedestrian flow times or as a result of pedestrians stepping out into the road due to an insufficient footway width.
20. Consequently, I conclude that the siting of the development would be acceptable in relation to highway safety, in particular with regard to pedestrian movements along the footway. It follows that there would be no conflict with Policies D7, T1 and T2 of the BTCAP or the Framework insofar as they require pedestrian routes to be safe for all users.

Conditions

21. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.2(2), A.3(9) and A.3(11). These specify the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date of approval, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

22. For the reasons given above, the appeal should be allowed, and prior approval is granted.

Alison Fish

INSPECTOR