



Appeal Decision

Site visit made on 1 August 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2023

Appeal Ref: APP/V1260/W/22/3312636

Holdenhurst Avenue, Bournemouth BH7 6DT

- 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 7-2022-18550-PB, dated 6 May 2022, was refused by notice dated 24 June 2022.
 - The development is described as 'Proposed telecommunications installation: Proposed 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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. My determination of this appeal has been made on the same basis.

Planning Policy

3. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Saved Policies 4.25 and 5.11 of the Bournemouth District Wide Local Plan (February 2002) (the LP) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) (the CS) are material considerations as they relate to issues of siting and appearance. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and this includes a section on supporting high quality communications.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including consideration of the effect upon existing trees, and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

6. The appeal site comprises part of a wide pavement area off Holdenhurst Avenue and Christchurch Road. The pavement is adjacent to commercial units with flats above, adjoins an open site that was being used for the parking of cars at the time of my site visit, and is close to a busy road junction. Holdenhurst Avenue is tree lined with two of these trees located in close proximity to the site within the same pavement.
7. The wide pavement area and its trees make up part of a locally identifiable spacious and verdant urban character. The two street trees adjacent to the site are mature with well balanced and attractive crowns that contribute positively to the street scene. This is notwithstanding that neither of the trees are the subject of a Tree Preservation Order. These trees are particularly visible on approach along Christchurch Road, Holdenhurst Road and Hambledon Road.
8. The proposal is for a 16m high street pole incorporating antennas at the top and associated cabinets. As a result of its height, the pole for the most part would be highly visible to passers-by on Christchurch Road, Holdenhurst Road and to those travelling towards the site on Hambledon Road. While I understand the mast must be taller than other objects to 'see' over obstructions, the proposal would be considerably taller than the existing trees, buildings and streetlights close to it and therefore appear out of scale and overly prominent within its immediate setting. This would be the case even though the pole and cabinets are proposed to be coloured grey.
9. The proposed street pole would be noticeably bulkier and, as a result, clearly more prominent than the existing streetlights and street signage. It would offer additional bulk due to its antennas. Although the street trees may screen the equipment at lower level to some extent from Christchurch Road and Holdenhurst Avenue, the trees are deciduous and therefore would afford limited screening of the installation in the winter months. The trees would provide no substantive screening on approach to the site from the north along Hambledon Road.
10. I acknowledge that such installations are becoming commonplace in urban areas, that the proposed ancillary equipment cabinets taken in isolation would have a limited visual impact, and that the site is located within a mixed commercial and residential area that is not within a Conservation Area or subject to any landscape designations. However, the combination of the height, bulk and positioning of the pole would result in the proposed installation being a dominant addition to the street scene on approach to and at the busy road junction in question.
11. The proximity of the mast to the two adjacent street trees also raises further specific concerns. The submitted plans show the proposed installation set away from the canopies of these trees. However, at the time of my site visit the extent of canopy spread from the trees was significantly greater than that shown on the plans accompanying the appeal. The existing canopies would therefore be very closely located to the proposed location for the street pole. I note that the Council consider the proposal to fall within the root protection areas of both trees.
12. No arboricultural impact assessment, tree survey or other relevant information has been provided to show the calculated root protection areas of the trees or

to demonstrate that the proposal would not necessitate meaningful reductions to the tree canopies either for the purposes of installation or in the future post-installation. There is also no information regarding the depth of the foundations required for the monopole. It is not therefore possible to make an informed assessment of the impact that the installation would have on the trees, or whether it would directly impact their root systems or canopies so as to lead to their potential decline. Given the importance of the trees to the character and appearance of the area, I cannot conclude that the siting of the proposed installation would be acceptable.

13. Moreover, for the above reasons, the scheme, when considered as a whole, would cause harm by virtue of its effect upon the character and appearance of the area.
14. As set out in the Framework, advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. The scheme would be in line with Government aspirations in this context and would support high quality communications and digital connectivity by offering 5G services.
15. I have no reason to doubt that the scheme would deliver tangible improvements to communication networks in the area. Indeed, the Framework indicates that the need for electronic communication systems should not be questioned when determining development schemes.
16. Even so, Paragraph 117 of the Framework states that applications for electronic communications development, including for prior approval under the GPDO, should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.
17. The appellant states that to maintain existing coverage, the search for a replacement is constrained to within a small search area. I accept that the position of the newly proposed equipment would need to complement the existing network so as to promote continuous network cover. However, whilst a small number of alternative sites were considered and discounted as part of the appellant's site selection process, detailed supporting information to fully corroborate that an exhaustive search of all possible sites was undertaken and that potential alternatives were discounted on reasonable grounds is not before me.
18. For example, one site has been discounted based on its location close to a railway line, yet this stance is not supported by adequate evidence to clearly demonstrate why its proximity to the railway line makes it unsuitable. I also note that two of the discounted sites fall outside of the defined search area, suggesting a decent level of flexibility as to the mast's precise location.
19. It is also relevant that the appellant has not commented on various suggested potential site alternatives put forward by the Council as part of its appeal evidence. In addition, the appellant's evidence does not, to my mind, provide thorough or compelling justification as to why potential rooftop solutions have been discounted and are not possible. This is particularly relevant given the

location of the appeal site close to several high buildings with flat roofs. Furthermore, the proposal is for an antenna of a considerable height and bulk with limited information provided with the appeal to adequately demonstrate that a minimum height of 16 metres is essential.

20. As a result of the above, the proposal does not adequately justify that the appeal site is the only possible location for the proposal. I am not, therefore, convinced that less harmful alternatives, including other pavement locations or rooftop solutions have been comprehensively explored. As such, insufficient evidence has been submitted to clearly demonstrate an absence of suitable alternative sites.
21. Notwithstanding the above considerations related to the potential availability of alternative sites, the public benefit of improved digital communications networks still attracts considerable weight. Nevertheless, I have identified that the proposal would cause harm to the character and appearance of the area. The scheme's benefits would not outweigh this significant harm.
22. For the above reasons, the siting and appearance of the proposed development would not be acceptable having particular regard to its effect upon the character and appearance of the area (including its effect upon existing trees) and the benefits associated with the need for the development. The proposal conflicts with Policies 4.25 and 5.11 of the LP, Policy CS41 of the CS, and the Framework in so far as these policies seek to ensure development is supported by an accurate tree survey, minimise the impact on visual amenity, provide evidence that applicants have explored the possibility of erecting antennas on an existing building and ensure that all development is designed to a high quality respecting the site and surroundings.

Conclusion

23. For the reasons given, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR