



Appeal Decision

Site visit made on 12 July 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2023

Appeal Ref: APP/Q0505/W/22/3310234

Jesus College Street Works, Cambridge CB5 8BL

- 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 Mr Cameron Wilson of CK Hutchison Networks (UK) Ltd against the decision of Cambridge City Council.
 - The application Ref 22/03829/PRIOR, dated 24 August 2022, was refused by notice dated 18 October 2022.
 - The development proposed is described as '5G 20m telecoms installation: H3G street pole and additional equipment cabinets'.
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Decision

1. The appeal is dismissed.

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, Paragraph A.3(4) require the local planning authority to assess the proposed development solely based on its siting and appearance, considering any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. However, in determining this appeal, I have had regard to Policies 55, 56, 60, 61, 65 and 84 of the Cambridge Local Plan 2018 (Local Plan) together with the National Planning Policy Framework (the Framework) in so far as they are a material consideration relevant to the matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area, with particular regard to the Cambridge Central Conservation Area and nearby listed buildings.

Reasons

Conservation Area

5. The appeal site lies within the Cambridge Central Conservation Area (CA) and comprises an area of grassed verge. The significance of the CA is derived, in

- part, from its formal and planned grid pattern, the tree lined streets and large areas of open, green space which encircle the core of the city.
6. Victoria Avenue is a long and relatively wide street which historically formed an important arrival point into Cambridge. Views along the Avenue are channelled by the mature trees which line the street together with the non-designated brick wall and railings which run along the Jesus College boundary and provide a consistent and defining feature in the street scene. Areas of open space including Butt Green, Midsummer Common and Jesus Green lie either side of the road, separated by low level fencing. These areas of open space together with the line of mature trees have an aesthetic value, but more importantly provide a spacious, verdant setting which positively contributes to the significance of the CA.
 7. The proposed monopole and associated cabinets would be located to the rear edge of the existing verge running along Victoria Avenue, forward of the non-designated brick piers and railings. Within this small clearing, there is a bus shelter, an existing lighting column and mature trees. Although these features provide a degree of verticality, by virtue of their height and scale, they are not overly prominent in the street scene.
 8. It has been put to me that the height of the proposed monopole is the absolute minimum required to bring the benefits of 5G coverage. However, at a height of 20 metres it would exceed the height of the existing street furniture and trees by a significant margin and thus, in this context it would be conspicuously tall. Therefore, although I recognise that the equipment has been designed to fit alongside the existing street furniture and would be coloured green, it would nevertheless read as a highly obtrusive, utilitarian addition to the street scene, particularly in the winter months when the tree canopies are reduced.
 9. Despite being described as slimline, the monopole would be substantially wider than the other vertical structures in the immediate area whilst the associated ground-based cabinets would extend further along the verge. The overall installation would therefore result in a bulky and unduly dominant development. The prominent roadside location, proximity to the nearby roundabout junction and the areas of public open space would contribute to the visual dominance of the proposal as perceived by passers-by. Further, the siting of the proposed development would result in the undesirable accumulation of unsightly clutter on a generally verdant, open area of highway verge.
 10. Accordingly, I find that the proposed development, by virtue of its siting and appearance would be an unsympathetic and incongruous addition to the street scene, eroding the verdant and spacious character of the CA. Further, owing to the proposed siting, the appeal scheme would interrupt the visual continuity of the non-designated brick piers and railings along the Jesus College boundary, undermining the definition they provide and the contribution to the CA. As such, the appeal development would fail to preserve or enhance the character or appearance of the CA.

Listed Buildings

11. There are several Grade II listed buildings located in the area surrounding the appeal site. These include Jesus College Gates, Nos 1-10 Brunswick Walk,

footway and iron railings, Nos 1-4 Short Street, Wesley Church and attached library together with Nos 50-61 and Nos 62-63 Jesus Lane.

12. The wrought-iron Jesus College Gates are framed by red brick piers with stone quoins and ball finials and are located within a short distance of the appeal site, on the same side of Victoria Avenue. The gateway is a relatively elaborate entrance which reinforces the grandeur of Jesus College and its grounds and is a focal point within the street scene. These factors contribute to the significance of the heritage asset. The setting is informed by the Jesus College buildings and the surrounding grounds, which together with the tree lined street and verdant, open verge positively contributes to its significance.
13. Despite the presence of the existing street paraphernalia as set out above, the proposal would introduce a utilitarian and conspicuous form of development which does not currently exist in the immediate setting of Jesus College Gates. In doing so, the proposal would detract from the verdant character of the street scene and would consequently harm the setting of the heritage asset.
14. Nos 1-10 Brunswick Walk is an attractive, early twentieth century terrace consisting of 2 storey, grey gault brick properties which front immediately onto Butt Green. Except for Nos 9 and 10, the properties feature two sash windows which are of uniform proportions and placement together with panelled doors complete with rectangular lights over. The significance of the terrace stems from its pleasing architecture together with its open and verdant setting.
15. The appeal site is separated from the listed buildings by the intervening open parkland, mature trees together with the Victoria Avenue roadway. Despite the excessive height, intervisibility would be limited due to the intervening distance and landscape features. Furthermore, from within the setting of the listed terrace, the proposal would be seen in the context of a busy road and other urban infrastructure including a bus shelter and lighting column. Therefore, it would not have a harmful effect on the setting of the listed terrace.
16. The raised footway is the remains of the Banwell Causeway and was built under the will of Dr Perse in the seventeenth century. The iron railings provide a clear marker of the footway which runs parallel to the main road and is separated by a cobblestone slope. The footway stretches from the corner of Short Street to No 70 Maid's Causeway. The significance of the asset lies in its historical association with the evolution of the city, being an integral part of its fabric.
17. The setting of the footway and railings is informed by the traditional town houses which front the busy urban street together with the existing street furniture including road signs, telegraph poles and traffic lights which are commonplace along Maid's Causeway. Intervisibility between the listed asset and the appeal proposal would be limited owing to the respective locations and intervening infrastructure, including the roundabout junction and it would, in any event be read as part of the urban setting. Thus, it would not be harmful to the setting in this regard.
18. Nos 1-4 Short Street comprises a small terrace of relatively modest proportions which was built as part of Charles Humfrey's Doll's Close development in circa 1820. The significance of the terrace is derived from its affiliation with the Doll's Close development and the overall simplicity of the design in comparison to the more elaborate Dolls Houses which front Maid's Causeway and Midsummer Common. The terrace is situated in a relatively busy position close

to the heavily trafficked Four Lamps roundabout. Street furniture and urban paraphernalia are notable features within the immediate area of the listed buildings and inform the setting.

19. The gable elevation of No 1 overlooks Maid's Causeway, with Victoria Avenue partly visible beyond. However, the principal elevation of the terrace fronts Short Street. Given the intervening features and urban infrastructure, the proposal would not harm the setting of the listed buildings.
20. Nos 50-61 Jesus Lane comprise three ranges of 12 terraced houses finished in gault brick under a slate roof which are set above the road. The significance of the terrace is derived from its architecture, in particular the uniformity of both the design features and proportions. Collectively, these features provide an attractive and imposing principal façade which can be appreciated from Jesus Lane. Nos 62-63 Jesus Lane are a pair of 3 storey properties, circa 1830 which occupy an end of terrace position. The principal facades are largely symmetrical and feature 2 sash windows on each floor (except No 63 which has only one on the ground floor) together with a small window, central to the block as whole on the 3rd floor. Cast iron railings and front steps provide an element of grandeur and clear separation from the street. The pleasing architecture informs the significance of the listed buildings. Jesus Lane is relatively quiet in comparison to the more busy, urban area where Jesus Lane meets the Four Lamps roundabout and provides a relatively enclosed setting.
21. Given that the appeal site is separated from each of these listed buildings by either several other buildings, the Jesus College boundary wall and mature vegetation, I do not consider that the appeal proposal would have a harmful effect on the setting of any of these listed buildings.
22. Wesley Church is an early twentieth century religious building and derives its significance from its architectural form which is attributed to the Perpendicular Revival Style. The setting of the building is informed by its busy, urban surroundings including key highway infrastructure and associated street paraphernalia.
23. Wesley Church occupies a prominent position at the top of Victoria Avenue and benefits from long ranging views along the road. Nevertheless, and despite the height of the proposed monopole, the installation would be partly obscured by the intervening features including the mature trees, roundabout and bus shelter. Consequently, and given the urban setting, the proposal would not be harmful in this regard.

Need and public benefits

24. Whilst the Framework establishes that the need for the installation should not be questioned, there is an expectation that the need for the proposal to be sited in the proposed location is demonstrated.
25. The evidence sets out that there are no mast/site sharing opportunities in the area. In addition, the appellant explains that alternative sites were considered although these were discounted for reasons including narrow pavements and the unadopted status of the highway. Further, it has been put to me by the appellant that there is a need to improve 5G coverage within the area of the appeal site to support the delivery of high-speed, reliable communication and

improve connectivity. The economic and social benefits in this regard carry moderate weight.

Heritage Balance and Conclusion

26. I have found harm to the character and appearance of the Conservation Area and to the setting of a Grade II listed Jesus College Gates. In determining the appeal, Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Further, paragraph 199 of Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to explain that significance can be harmed or lost through the alteration or destruction of the assets, or from development within their setting. Any harm will require clear and convincing justification.
27. Given the scale of the development, I find the harm to be less than substantial. Nevertheless, I give this great weight and importance. In these circumstances, the Framework advises that the harm identified should be weighed against the public benefits of the proposal. In this regard, the economic and social benefits as set out above are recognised as is the support given by the Framework to advanced, high quality and reliable communications infrastructure, including 5G networks, and their contribution to economic growth and social well-being.
28. However, whilst these benefits carry moderate weight, they would not outweigh the less than substantial harm that the proposal would cause to the significance of the CA and the setting of the Grade II listed Jesus College Gates, to which I attach great weight. Consequently, the appeal proposal would fail to satisfy the requirements of the Act and paragraph 197 of the Framework. In addition, the proposal would conflict with Local Plan Policies 55, 56, 60, 61, 65 and 84 in so far as they are a material consideration. Collectively, these policies seek to ensure that development responds positively to its context and that the siting, scale and massing of proposals is such that there would be no adverse impact on the skyline, accumulation of street clutter or adverse effect to the historic environment.
29. Therefore, for the reasons given above, the appeal is dismissed.

H Wilkinson BSc

INSPECTOR