



Appeal Decision

Site visit made on 16 November 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2023

Appeal Ref: APP/K0235/W/23/3321805

BED056, Kimbolton Road, Bedford, Bedfordshire, MK41 9AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by MBNL for and on behalf of Three UK Ltd and H3G UK Ltd against the decision of Bedford Borough Council.
 - The application Ref 22/02110/TELPN, dated 12 September 2022, was refused by notice dated 10 November 2022.
 - The development proposed is the installation of a new 18-metre-high monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, the installation of 3no. new equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the GPDO 2015, 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.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. I have however, had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effects of the siting and appearance of the proposed mast on the character and appearance of the area including the well-being of a neighbouring tree with public amenity value, and whether it has been reasonably established that there are no better alternative sites.

Reasons

Background

5. The appeal site comprises a grass verge adjacent to the highway near the junction of Kimbolton Road and Putnoe Lane in a mainly residential area. The verge also contains a mature lime tree about 12m high and there is a 10m high lamppost column with telecom equipment at the top and ground cabinet on the

northern side of the tree. The proposed 18m mast would be erected at the southern side of the tree.

Siting and appearance

6. At the site visit I considered the present circumstances of the site with the existing equipment attached to a lamp post and small base station. The submitted plans show that this lamppost is 10m tall and the adjacent bungalow (No. 115 Kimbolton Road) has a roof ridge of 6m above ground level (AGL) and the neighbouring tree is depicted as 12m high. There is also a large tree/shrub in the front garden of No. 113a which the plan shows as 8m high. I also noted that there were mature oak trees along the western side of Kimbolton Road.
7. From various viewpoints around the site and the junction of Kimbolton Road and Putnoe Lane I found that the 18m mast proposed would be very conspicuous in the street scene. It would be especially prominent when seen against the backdrop of the adjacent bungalows being about 3 times their height. The existing trees would have some screening effect at some times of year but the closest tree is deciduous and was devoid of leaves at the time of my visit. I have also taken account that the existing equipment would be removed from the lamppost in due course but the net effect would be very little visual reduction in prominence of the structures.
8. Overall I find that the siting and appearance of the proposed mast would have a significant adverse effect on the character and appearance of the street scene and would dominate the residential environment of the adjacent properties. The proposal would therefore conflict with Policies 29 (ii); 30(i) & (ii) of the Bedford Borough Local Plan.

Effect on tree

9. At the application stage the Council was concerned that the siting of the mast and base station equipment would be very close to the existing tree, which is regarded as having public amenity value, and its future well-being would be threatened. Since then the appeal documents include an arboricultural assessment undertaken by ACS Consulting in May 2023.
10. This says the lime tree is currently 14m in height and regards it as an important specimen in the urban environment. The report acknowledges that the mast will be sited within the canopy of the tree and in the root protection area but the report concludes that the proposed mast and cabinets will have a negligible impact on the tree including its future growth potential. This is subject to the imposition of a condition requiring an Arboricultural Method Statement.
11. The Council notes the report and agrees that there are not arboricultural objections concerning below ground constraints. However, the Council highlight that the tree is relatively young and that its future growth may require pruning to accommodate the mast and its signal. This could be undertaken by a statutory undertaker such as a Telecommunications Operator, without further consent, which may affect the future amenity value of the tree.
12. I conclude on this issue that there is agreed specialist evidence to show that at the moment the adjacent lime tree would be unlikely to be harmed by the proposed mast and equipment. However, the close proximity of the mast to the tree may lead to pressure for its future growth to be restricted so as not to

interfere with the efficient operation of the telecoms apparatus. The would reduce the amenity value of the tree contrary to Policy 39 of the Local Plan.

Alternatives

13. The appellant sets out in detail technical reasons why the new mast should be as close as possible to the existing one and that the appeal site was chosen from possible options to provide increased 4G coverage within the cell area. The Council does not dispute the need for the upgrade put forward but suggests that the potential short-list of alternative options has not been made available and open to assessment.
14. I have no reason to doubt the appellant's technical submissions that there is a clear need for an uplift in coverage in the local area but the evidence submitted does not demonstrate what benefits and drawbacks were involved with the other options assessed.

Other Matters

15. Neighbours also raise concerns about the site being on a busy corner for pedestrians and cyclists but the ground equipment would be located on the verge rather than the footway and would not interfere with the movement of such people. Concerns are also raised about the cabinets being too noisy but there is no technical evidence to support this and I cannot give the concern much weight
16. The Council makes reference to appeal decision APP/K0235/W/22/3308663 concerning a proposal for a 15m mast in a different location in Kimbolton Road. Although this appeal was dismissed I do not see the decision as setting some precedent as the circumstances of that site and proposal are materially different. I have considered this appeal scheme on its individual merits.

Planning balance

17. The proposal needs to be considered in the context that the government recognises that reliable telecommunication infrastructure is essential for economic growth and social well-being and that planning decisions should support the expansion of such networks subject to local factors.
18. On the main issues I have found that the siting and appearance of the mast would have a significant adverse effect on the appearance of the street scene and would visually dominate the residential environment of the adjacent single storey properties. While the relationship with the existing lime tree is acceptable at the moment, the close proximity of the mast and attached equipment could harm the future growth of the tree and the positive contribution it makes to the urban landscape.
19. These findings constitute significant adverse effects but they have to be balanced with the benefits of the development. There are clear reasons why an uplift in coverage is needed in this area to benefit 4G users and to give the potential for future 5G development.
20. Nevertheless, bearing in mind the lack of detail over the assessment of alternatives, overall, I find that it has not been demonstrated that the need justifies the high degree of visual harm that would arise with the proposal.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR