



Appeal Decision

Site visit made on 9 January 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2024

Appeal Ref: APP/Q0505/W/23/3321000

CAM072 Land Opposite 89A Barton Road, Cambridge, Cambridgeshire CB3 9LL

- 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 MBNL for and on behalf of Three UK Ltd and H3G UK Ltd against the decision of Cambridge City Council.
 - The application Ref 22/04089/PRIOR, dated 7 September 2022, was refused by notice dated 3 November 2022.
 - The development proposed is the removal and replacement of the existing 8 metre high monopole with 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. There is no dispute that the proposal would accord with the requirements of Schedule 2, Part 16, Class A, Paragraph A.2(3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance. My determination of this appeal has been made on the same basis.

Planning policy

3. The principle of development is established by the 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, I have had regard to the development plan and the National Planning Policy Framework (The Framework) only in so far as they are material considerations in reference to matters of siting and appearance. As such, I have had regard to policies 55, 56, 60, 61, 62, 65 and 84 of the Cambridge Local Plan [2018]. These seek, among other matters, for telecommunication equipment to ensure visual impact is minimised through design and location, and to be of an appropriate scale that complements the scale and form of heritage assets.

Main Issues

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including on the West Cambridge Conservation Area (WCCA), the Grade II listed building of 78 Barton Road (No 78) and the Grade II listed gateway at No 78, and if any harm were to occur, whether this is outweighed by the need for the installation to be sited as proposed taking account of any suitable alternatives.

Reasons

Character and appearance and effect on heritage assets

5. Barton Road, close to the appeal site, consists of a mix of residential and institutional uses. The site is adjacent to Wolfson College, which includes the listed building of No 78. The site is within a wide grass verge that includes mature trees, roadside signage and a speed camera. Streetlights are located on the opposite side of the highway. The carriageway, grass verge and footways create a wide route that enters the WCCA from the west. The buildings of the college are largely recessed from its front boundary, with a wooded open space within its frontage. This open and verdant area interrelates with the wide tree lined route of Barton Road, demonstrating a gap in built form and a strong sense of spaciousness. These connected environments create spaces that contribute interest and identity to the area.
6. The appeal site, in front of the corner of the college grounds, is within the tree lined grass verge. The site is occupied by an existing 8 metre high mast and several cabinets. The mast is a simple feature, disguised as a telegraph pole, which as such makes a neutral contribution to the character and appearance of the area.
7. The appeal site is located within the setting of No 78 and its entrance gates, which are both grade II listed buildings. The duty to preserve the setting of listed buildings, by virtue of Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 (the Act) does not apply in this instance as the proposal seeks Prior Approval. The site is outside but close to the western boundary of the WCCA. As such, Section 72 of the Act, which seeks development within a conservation area to preserve or enhance the character or appearance of conservation areas, would not apply.
8. Nonetheless, appropriate consideration can still be given to heritage matters under Section 16 of the Framework. The Framework requires that any development that would result in substantial harm to a designated heritage asset to be refused. Furthermore, Paragraph 208 of the Framework requires that where development would lead to less than substantial harm to a heritage asset, the harm should be weighed against any public benefits.
9. The listed building of No 78 is within the frontage of the college. It originates from the early to mid C19 and consists of grey gault brick, sash windows, canted bay windows and a hipped slate roof. Its significance seems to derive from its architectural interest and positioning within the college grounds. The listed gates include stone gate piers and cast-iron gates and are contemporary with the house. Its significance appears to derive from its appearance and setting in front of the adjacent listed building. The Council also identifies

buildings within Wolfson College to be non-designated heritage assets but has provided little evidence to demonstrate their heritage significance.

10. The proposed mast would be a slimline design with a dual stack formation of antennas, to reduce its overall bulk. It would be within the setting of, but some distance from, the listed buildings. Views that would frame the proposed mast and listed buildings together would be wide and distant, with roadside and on campus trees providing substantial screening. Therefore, due to the screening and separation distance the proposed mast would have a negligible effect on the setting of the listed buildings and would not cause harm to their significance.
11. The significance of the WCCA seems to derive from the very high quality of buildings within it that retains a spatial cohesion and includes a network of green spaces. Views along Barton Road take in the conservation area within the setting of the mast, a vista which is identified in the Council's Appraisal as being a key view. However, due to the separation distance of the site from the boundary with the WCCA the proposed mast would have a minimal impact on the broader setting of the conservation area and thus would not harm its significance.
12. Nevertheless, due to the scale and prominence of the mast and despite its slimline design, it would stand plainly within the streetscene. It would not be sited in line with existing vertical structures as the roadside lighting columns are on the opposite side of Barton Road. The mast would be an isolated and strident feature within roadside views for motorists, cyclists and pedestrians. The mast would appear prominent in many views despite the presence of roadside trees and the distant curvature of the carriageway, due to the open setting of the site and the height of the mast. Consequently, the visual impact of the proposal would be substantially greater than the existing mast, which in contrast makes a discreet and subtle contribution to the street.
13. Furthermore, the mast would be in the grass verge between the carriageway and footway. Being in an isolated grass verge, the mast would have greater prominence in views, than being set back alongside the highway boundary. Therefore, despite the noted presence of the existing mast and other street furniture, the proposal would be an obtrusive addition to the area having a harmful impact on the site's identified open setting.
14. The proposal would appear visually disruptive in views of this verdant route into the City. Due to its height, the mast would not be readily screened or framed by the adjacent tree cover behind or to its sides. For similar reasons it would not complement existing streetlights or other street furniture. Furthermore, despite the site's urban location, views of the mast would be obtrusive in long distances along Barton Road. Consequently, due to its siting and relationship to surrounding open spaces, the proposed mast would harm the character and appearance of the area.

Alternative sites

15. The Framework supports the development of a high-quality reliable communication infrastructure as this is deemed to be essential for economic growth and social well-being. Nonetheless, it requires sites to be kept to a minimum and encourages the reuse and adaption of existing base stations. Paragraph 121 c) of the Framework expects evidence to be submitted to justify

all applications. For a new mast or base station this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

16. The proposed mast would replace an existing mast which would support the sequential approach of new site identification and would result in no net increase in masts in the area. However, in having found the mast would harm the character and appearance of the area, it is necessary to consider whether an alternative site would provide a less intrusive visual impact.
17. The Appellant's pre-app consultation document explains that as the scheme is for a replacement mast, no alternative sites were considered. As such, it has not been substantiated in the submitted evidence that alternative sites have been explored, to demonstrate the absence of a more desirable site.

Other matters

18. The mast would provide improved 2G, 3G and 4G coverage and capacity within the surrounding area. It would prevent the need for additional masts in the area to provide the same extent of coverage. The mast would also provide the capability for future technology, including 5G, to be applied to the structure to enhance its provision of digital services. However, the benefits of the mast have effectively been recognised by the grant of permission under Article 3(1). The GDPO is clear that the only considerations should be the siting and appearance of the proposal.

Planning balance and conclusion

19. The proposal is in an exposed location to the extent that the clear and noted benefits of improved telecommunication provisions do not outweigh the harm to the character and appearance of the area. It is therefore my judgement, on balance, that the identified harm and conflict with the design objectives of the Framework, as it relates to siting and appearance, is not outweighed by other material considerations.
20. For the reasons given above, I conclude that the appeal should be dismissed.

Ben Plenty

INSPECTOR