

Appeal Decision

Site visit made on 4 February 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2020

Appeal Ref: APP/B4215/W/19/3242022

Chorlton Road DNS, Chorlton Road, Hulme, Greater Manchester M15 4DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by MBNL (EE Ltd & Hutchinson 3G UK Ltd) against the decision of Manchester City Council.
 - The application Ref 124654/FO/2019, dated 23 August 2019, was refused by notice dated 22 October 2019.
 - The development proposed is described as "Installation of 20m telecommunications monopole and 7 equipment cabinets."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development provided by the application form has been updated in subsequent documents. I have adopted the description of development given by the appeal form accordingly as it is more precise and provides greater certainty of the proposal subject of this appeal.

Main Issues

3. The main issues are i) the effect of the proposal on the character and appearance of the area, and ii) whether or not the proposal would result in an obstruction of the footway to the detriment of pedestrian safety.

Reasons

Character and appearance

4. The appeal site is an area of footway fronting onto Royce Road of varying width with pedestrian guard-rail (PGR) to the rear of the footway edge. A bus stop is immediately adjacent to the site. Royce Road has a mixture of low-rise housing on Hillfoot Walk to the rear of the appeal site, at a lower level than the footway, and newer, taller residential buildings immediately opposite. The site is close to a four-way junction with Chorlton Road, a relatively wide and busy road leading towards the city. There is an existing mast close to the site, at the rear edge of the footway fronting Chorlton Road, set within the context of the newer, taller residential buildings, relatively tall street-trees and streetlights of a similar height to the existing mast. By contrast, the area immediately around the appeal site has a lower-rise appearance and less substantial trees, although the streetlights are the same height as elsewhere.

5. The appeal proposal is intended to replace the existing mast and installation that lies further along Chorlton Road and close to the junction with the opposite side of Royce Road, to allow the delivery of 5G, super-fast wireless broadband and to allow two network operators to share the installation.
6. As noted above, the appeal site is adjacent to a terrace of two-storey houses at Hillfoot Walk which are themselves set lower than the footway. As a result, the appeal site has a more open, lower-rise character than the opposite side of the street and the site of the existing mast. There are a number of vertical elements surrounding the appeal site, but these are limited to the streetlights, which are slim and lack the cabinets associated with telecommunication masts.
7. As a result of this existing character, I consider that the appeal proposal would appear, unduly prominent, incongruously tall and out of keeping with its context. I also consider that the number and scale of the cabinets required in connection with the mast would add to the visual impact of the mast, creating a relatively long run of cabinets of varying height and appearance. In my opinion, the proposal would cause a cluttered and crowded appearance to a part of the street which is currently largely open. I acknowledge the PGR to the rear of the footway edge. However, given its relatively light-weight appearance, I do not consider it to alter the fundamentally open character and appearance of the area around the appeal site.
8. The width of footway between the carriageway edge and the PGR is briefly restricted adjacent to the appeal site. However, I consider that the proposed mast and associated cabinets would lead to a fairly lengthy section of the footway having an uncharacteristically narrow and crowded character and appearance. I also note that the mast and its associated cabinets would be in front of the residential properties on Hillfoot Walk and in an elevated position relative to their ground floor level.
9. The existing mast and equipment have a very different relationship to the built environment which surround them. That footway is backed by an open, green verge, broadly on the same level as the footway and mast. In my opinion, this lends the location of the existing mast a more spacious and open setting. It is also adjacent to a taller building, which reduces the relative appearance of its height and serves to reduce its prominence. This contrasts sharply with the appeal proposal, which is both taller than the existing mast and set adjacent to much lower-rise buildings, themselves at a lower level than the footway on which the mast is proposed. In my view this increases the prominence of, and highlights the incongruity of, the proposal.
10. The appellant has suggested that the cabinets themselves are permitted development and should not therefore be considered in this appeal. However, they have provided no further detail on this point, and in any event, I have considered the effect of the mast and the cabinets in combination, as shown on the application drawings and described in the description of development. In any case, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990 and other mechanisms exist to establish whether or not that would be the case.
11. The appellant notes that 5G equipment must be reasonably closely located to the older masts which it seeks to replace, in order to ensure continuity and completeness of coverage. The appellant also suggests that the existing mast and cabinets set a precedent for the appeal proposal, being in a location

already approved by the Council. Despite the appellant's claim that the appeal proposal is only an upgrade of existing equipment, so alternative locations have not been considered, the appeal proposal is on a different street with a different setting to the existing equipment. Given the distance between them and the difference in their settings, I do not consider that the presence of the existing mast sets an irresistible precedent for the appeal proposal, nor have I been presented with sufficient technical evidence to justify the appeal site as being the only available or viable location for the monopole, indicated as essential for the 5G coverage requirements.

12. I note the support in the National Planning Policy Framework (the Framework) for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.
13. For the reasons set out above, I do not consider that the appeal proposal has been sympathetically designed. I note the comments of the appellant that the appearance of the proposal is driven by operational and technical considerations. However, I must have regard to the content of both the Framework and the development plan in reaching a conclusion on the effects of the proposal. I have found above that the proposal would be harmful to the character and appearance of the area, and do not consider that harm to be outweighed by the general support in the Framework for high quality communications.
14. As a result, I consider that the proposal would harm the character and appearance of the area and would, by virtue of its height and location cause harm to residential and visual amenity. This would be contrary to saved Policy DC17.1 of the 1995 Unitary Development Plan for the City of Manchester (the UDP), Policy DM1 and Policy SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document, adopted 11 July 2012 (the Core Strategy). These policies seek amongst other things to ensure that telecommunications development is sited to minimise its impact on residential and visual amenity, and that all development should have regard to its siting, layout, scale and form, impact on the character and appearance of the area which surrounds it and make a positive impact to neighbourhoods in which it is located. The proposal would also therefore conflict with guidance in the Framework to ensure that development achieves well designed places.

Pedestrian safety

15. As noted above, the appeal site lies on a section of footway with PGR along its rear edge, between a bus stop and a temporary narrowing of the footway which accommodates level changes. The effect of the proposal would in effect extend the narrower part of the footway almost to the bus stop. Between the junction and the bus stop, the road appears to be well used for the parking of private cars, although I note that this situation may change with proposed works to the junction.

16. The proposal would narrow the footway in this section of Royce Road, and I have considered the effect of this on the character and appearance of the area in my reasons above. Although the resulting footway width would appear to conform to the government guidance provided by the appellant, it would not meet the local standards supplied by the Council. In addition, the proposal would cause the current temporary narrowing to be sustained over a longer section of the footway. The end of the proposed installation would also be close to the bus stop and the end of the marked bus stop space. This would lead to an increased likelihood of pedestrians walking in the carriageway, potentially for longer distances than at present, and combined with the location of the bus stop, would increase the risk of conflict between vehicles and pedestrians.
17. In light therefore of the generally wide nature of the footways in the area, the proximity of the bus stop, the existing parking situation and the proposed cycle provision, I consider that the proposal would, as a result of its significant narrowing of the footway, result in an obstruction of the footway to the detriment of pedestrian safety.
18. The proposal would not therefore accord with saved Policy DC17.1 of the UDP, Policy DM1 and Policy SP1 of the Core Strategy and the Framework, all of which seek amongst other things, to ensure that development pays proper regard to the impacts of its siting, layout and create well designed places.

Conclusion

19. As the proposal would in my opinion be harmful to the character and appearance of the area and would cause harm to pedestrian safety, the resulting development plan conflict would be significant. I do not consider that the support for high quality communications infrastructure in the Framework is a material consideration of sufficient weight to outweigh the harm and associated conflict I have found with the development plan.
20. As such, for the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR