
Appeal Decision

Site visit made on 1 July 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2020

Appeal Ref: APP/P4225/W/20/3245264

Land Fronting 181 - 217 Kirkway, Middleton, Manchester M24 1LW

- 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 EE (UK) Ltd and H3G (UK) Ltd against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 19/00707/FUL, dated 13 June 2019, was refused by notice dated 01 October 2019.
 - The development proposed is replacement of existing 12.7m high monopole with 20m monopole, accommodating 12 no. antenna in an open headframe and 2 no. transmission link dishes, together with 8 no. equipment cabinets and ancillary development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address and description of development in the banner heading above has been taken from the Council decision notice, bar one amendment, the number of equipment cabinets proposed is 8 no. I consider this more precisely defines the location of and accurately summarises the description of the proposal.

Main Issues

3. I consider the main issues in this appeal to be the effect of the column and equipment proposed upon the character and appearance of the street scene, and upon the outlook of the occupiers of nearby flats.

Reasons

Character and Appearance

4. The appeal site is part of the public footpath running along the eastern side of Kirkway, at the junction with Mainway. This section of footpath forms part of an island in front of the parking area serving a courtyard of local shops and services with residential properties above the ground floor commercial premises. As such it is a prominent position within the street in this part of the town.
5. Two telecommunication poles are already present, one which both parties agree to be redundant, the other a 12.7m monopole which would be replaced

by this proposal. In addition, within the island are a pair of streetlamps, and a series of equipment cabinets. To the south of the properties fronting onto the courtyard, is a further monopole visible above the roofs when viewed travelling along Kirkway from the north.

6. Mainway at the junction to Kirkway is divided into two carriageways by a central grassed area which also provides space for street trees, giving this street a different character from that of Kirkway, which is an open street particularly at the appeal site with the additional expanse of car parking to the front of the shops.
7. The mast is proposed to be sited towards the rear of the footpath, with a line of 8 cabinets, and would stand at 20m high some 9m higher than the height specified on the submitted drawings of the nearby streetlamps. As such it would project significantly above the other street furniture in the area and the adjacent buildings.
8. In views along Kirkway, being such an open area, there is nothing which would obscure the appearance of the mast and it would be clearly visible for some distance in both directions. It would also be seen when approaching from Mainway to the west, all be it the street trees would provide some limited breaks in the appearance of the mast particularly when the trees are in leaf.
9. A mast of this height and width would be highly prominent in the street and would as a consequence result in an intrusive feature that would harmfully detract from the character and appearance of the area contrary to policies P1, P3 and DM1 of the Rochdale Core Strategy which amongst other things aim to promote high quality design which enhance the sense of place and support schemes which are compatible with their surroundings.

Residential Outlook

10. The mast would also be very apparent for all the residential properties that face onto the courtyard. Being appreciably higher and wider than the street columns the mast would be particularly conspicuous for all the residents. Even in taking into account the separation distance of around 40m from these properties this is a limited mitigating factor due to the scale of the mast relative to the other elements within the street and the significant openness of the area.
11. I find therefore that the scheme would have an adverse effect on the outlook from these properties and therefore is in conflict with policy DM1 of the Rochdale Core Strategy which amongst other things seeks to ensure new developments are compatible with surrounding land uses and don't as a consequence harm amenity of residents.

Other Matters

12. No information was provided on the extent of the coverage of the current network, as according to the appellant there is currently no 5G service in the area. In this context this is understandable, however, for sound planning reasons understanding the broader network context is helpful to properly appreciate how a proposed mast fits into the network and to then be able to assess what alternatives have been investigated.
13. In this instance the plot search was limited to a 100m radius from the current mast, the appellant did not provide information in respect of all the buildings

within this area and why they were discounted. Nor was there mention of the other existing mast in the vicinity and whether this might be an alternative for sharing/ replacement. The Council have intimated that without such information they could not fully appreciate whether all alternatives had been fully assessed. In finding that there is significant harm to the main issues had a comprehensive case been presented that clearly demonstrated that there were no alternatives then this is something that would have needed to be considered, in the event it is not.

14. The appellant has also referred to 3 appeal decisions in different parts of the country, these are materially different proposals. The Bromley case fell to be considered under the General Permitted Development Order so only siting and appearance could be considered. The Norwich case was for a 27m lattice tower off a country lane. The Middlesbrough case suggests there was poor area coverage which is not an argument that has been promoted here.

Conclusions

15. Having had regard to all the matters put forward, including the support for the improvement of the telecommunications network as referred to by the Appellant's, I do not consider this outweighs the clear harm I have identified and therefore the appeal is dismissed

Edwin Maund

INSPECTOR