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## Appeal Decision

Site visit made on 31 January 2021

**by D Hartley BA (Hons) MTP MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 February 2021**

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**Appeal Ref: APP/G4240/W/20/3263529**

**Land opposite 67 King Street, Dukinfield SK16 4NQ**

- 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, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Hutchinson 3G UK Ltd against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 20/00817/NCD, dated 21 August 2020, was refused by notice dated 21 October 2020.
  - The development proposed is an 18 metre phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.
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### Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for an 18 metre phase 8 monopole C/W wrapround cabinet at base and associated ancillary works at Land opposite 67 King Street, Dukinfield, SK16 4NQ, in accordance with the terms of application Ref 20/00817/NCD, dated 21 August 2020, and the plans submitted with it including 002 Site Location Plan; 210 proposed H3G Site Plan; 260 Proposed H3G Elevation and 303 Proposed H3G Antenna Schedule & Line Configuration.

### Procedural Matters

2. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority and therefore the Secretary of State 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 principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

### Main Issue

4. The main issue is the effect of the siting and appearance of the development on the character and appearance of the area.

## Reasons

5. The appeal site forms part of a pavement falling within a mixed commercial and residential built up area and alongside a busy main road, King Street, which connects Dukinfield with Ashton-under-Lynne. The appeal site is immediately adjacent to existing street apparatus including a bus shelter, phone box, highway sign, railings, bin and street lights. On one side of the road there are multi-storey flats and on the other side of the road there is a terrace of two storey commercial properties. A little further up King Street the pavement includes several very mature and tall trees which add positively and distinctively to the otherwise very built up area.
6. I acknowledge that the proposed mast would be higher than the trees, street lights and adjacent flats buildings. However, and owing to the high trees and flats buildings, there is a vertical emphasis to the appearance of this part of King Street when seen by passers-by. In this context, I do not consider that the mast would appear materially out of place when viewed in the street-scene.
7. King Street rises upwards in the direction from Ashton-under-Lynne to Dukinfield and in that sense the mast would be seen against the skyline when travelling in this direction. The submitted drawings indicate that the cabinets would be finished in a RAL 'grey colour' and that the mast would be finished in a RAL 'galvanised' colour which would be acceptable. Large parts of the mast would be seen against the vertical backdrop of the mature trees and given its galvanised colour its top section would, for many times of the year, not stand out when seen against the colour of the sky.
8. I accept that the proposal would add to the existing street apparatus in the pavement. Nonetheless, it would relate well to the concentrated position of existing street apparatus in this urban area and would be seen as an orderly linear addition. It would not be positioned in an exposed pavement location and would be located away from the highway verge trees thereby ensuring that it does not compete with, or detract from, the welcome relief afforded by the trees to the otherwise built form that exists along King Street. Overall, and in the context of this area, I do not consider that the proposal would appear as an unacceptably cluttered or out of place addition to the street-scene. Whilst not a determinative issue, in reaching this view I am cognisant of the fact that no objections have been raised by the local community in respect of the appeal proposal.
9. I do note the concern raised by the Highway Authority to the location of the cabinets and the narrowing of the pavement when doors are open. However, I agree with the local planning authority that the opening of the cabinet doors would be very infrequent and, in any event, during maintenance periods it would be possible for pedestrians to use alternative routes and for the site operatives to ensure that alternative routes were properly signposted.
10. Whilst it could not be said that the mast and cabinets would not be visible in this area, views of the development would nonetheless be largely localised in extent as shown in the appellant's zone of theoretical visibility drawings. Furthermore, I have no reason to doubt that there are no other suitable or available sites to accommodate the development and achieve the required 5G telecommunications signal coverage for the Dukinfield area. There would be clear economic and social benefits associated with allowing the

telecommunications development in accordance with paragraph 112 of the Framework.

11. For the above reasons, I conclude that the siting and appearance of the proposal would be acceptable and that no significant harm would be caused to the character and appearance of the area. In this respect, the development would accord with the siting, character and appearance requirements of policies U2 and C1 of the Tameside Unitary Development Plan 2004 and Chapter 12 of the Framework. Therefore, the proposal meets the conditions of Class A and prior approval should be given.

### **Conditions**

12. Class A of Part 16 of Schedule 2 of the GPDO imposes relevant conditions as standard. It specifies that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

### **Conditions**

13. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

*D Hartley*

INSPECTOR