



Appeal Decision

Site visit made on 16 March 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Appeal Ref: APP/Q4245/W/20/3264102

Neary Way, Easy Urmston, Manchester M41 7FN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 against the decision of Trafford Borough Council.
 - The application Ref 102030/TEL/20, dated 20 September 2020, was refused by notice dated 18 November 2020.
 - The development proposed is a Telecommunications upgrade. Proposed 20.0m AGL Phase 7 monopole c/w wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the banner heading above is taken from the application form. The Council have stated the address as Land on pavement/grass verge on Barton Road adjacent to 1 Stoma Gardens/opposite Unit D Neary Way, Davyhulme. This provides a more accurate description of the locality of the proposed development.
3. The appeal follows a decision by the Council not to grant prior approval for the siting or appearance of a development that would otherwise be permitted under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The principle of the development is therefore established, and the scope of this appeal is limited to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposal on:
 - The living conditions of nearby residents with particular regard to outlook from nearby garden areas
 - The character and appearance of the locality

Planning Policy

5. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan only insofar as they are a material consideration relevant to matters of siting and appearance.

Reasons

Living conditions

6. The site within a grassed roadside verge beside a four-lane carriageway separating a residential estate from a local commercial park consisting of retail units and chain restaurants. The verge lies between a roadside footway and a path skirting a residential estate of two storey dwellings to the east.
7. The closest dwellings are arranged in terraces of varying lengths. The rows consisting of 1-7 and 8-15 Stoma Gardens face each other across front garden areas and a shared pedestrian walkway with some limited landscaping areas. The terraces lie perpendicular to Barton Road. An additional terrace to the south fronts on to Barton Road behind the verge area.
8. The proposed mast would be located a short distance beyond the side elevation of 1 Stoma Gardens and forward of the front elevation of the terrace. Close views of the mast and equipment would be afforded from a first floor window in the side gable, the main entrance and the garden areas. Taken with the proximity of the mast, its significant height would dominate westward views and loom over the nearby dwelling. Despite high hedging to the nearest rear garden boundary, the outlook from the private amenity space of No1 would be dominated by the structure. This would be overbearing on the occupiers of that dwelling to the significant detriment of their living conditions.
9. In addition, despite the greater distance from the opposing terrace at 8-15 Stoma Gardens, the mast would draw the eye on account of its significant scale to be a dominant element in the outward views from the main living rooms and bedrooms of the nearest units of that terrace and the associated outside amenity spaces. This would cause significant harm to the living conditions of residents of those properties as an overbearing form of development resulting in poor outlook.

Character and appearance

10. The siting on the eastern side of Barton Road would contrast with modest two storey scale of site residential properties close by. Although part of the verge along the main road approaches include trees and lighting columns that would offer a limited degree of assimilation, the significant difference in height to the prevailing scale of the adjacent development position on a section of the verge free of trees would cause it to be obtrusive in its locality. When taken with the overall height and the utilitarian design of the open headset, the proposed position at the end vista beyond the rows of terracing would starkly contrast with the domestic scale and appearance of development on this side of the road.
11. The openness of the Barton Road corridor arising from its width and the set back position of development from its frontages would limit the sense of scale of the development for the majority of observers utilising the main road and the retail park. Furthermore, the larger commercial scale of the row of retail buildings, wide spaces of the associated parking area and high advertising totems which lie on the opposite side of the road create a greater perception of scale in the locality. However, this would not fully mitigate the effects of the siting and appearance of the proposal close to the adjacent housing area.

Other Matters

12. Paragraph 115 of the Framework requires that applications for electronic communications equipment (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development. 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. It also requires the operator to self-certify that, when operational, International Commission for public exposure will be met.
13. I acknowledge the appellant's reference to a search that took place in relation to the existing facility which has established telecoms apparatus in the cell area outside of any designated sensitive area. However, that relates to a different site and a different scale and appearance of development. There is little evidence before me to justify the chosen site for the equipment amongst any objectively assessed alternatives. An assessment of the zone of theoretical visibility is provided for the appeal site only.
14. As identified by the appellant, there are a number of tall structures in the locality, including the existing base station which is to be removed upon its replacement. There are also ample opportunities to site the new proposals where they would limit the effect on residential properties nearby and utilise the perception of larger scaling of the commercial development on the western side of the road. Although I have no reason to dispute their justification, I find there would be a conflict with the Framework's requirement for evidence that alternatives have been duly considered.
15. The appellant has provided a declaration of conformity with the ICNIRP Public Exposure Guidelines. However, this relates to an alternatively referenced proposal. Accordingly, the requirement in Paragraph 115c of the Framework relating to self-certification has also not been demonstrated.
16. The development seeks a new shared base station to facilitate future 5G coverage and the seamless continued service for earlier generation technology. Paragraph 112 of the Framework sets out the objectives for communications infrastructure. It states that: 'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.'
17. The proposal would provide economic and social benefits by improving existing coverage, bandwidth and capacities. Amongst other things, this could facilitate business productivity, innovation, efficiency and security. It would assist in the potential expansion of home working in nearby residential areas and potentially reduce travel needs. It would provide means for enhanced social inclusion through digital contact and could also accommodate use by emergency services. Furthermore, the mast would provide for use by more than one operator to avoid a proliferation of masts dedicated to individual providers. These are matters that weigh in favour of the development.
18. In support of the appeal, the appellant has referred me to a number of successful appeal examples elsewhere. However, in the absence of full details of the circumstances of those proposals and their localities, it is not possible for

me to draw comparisons to the case before me, a case which I have determined on its own merits.

Planning Balance and Conclusion

19. For the reasons set out above, I have found that the proposed siting and appearance of the development would cause significant harm to the living conditions of nearby residents. It would contrast sharply with the domestic scale of development on the eastern side of Barton Road. In these regards it would conflict with Policy L7 of the Trafford Local Plan: Core Strategy [2012] as it seeks to enhance street scenes and the character of areas through appropriate design, and protect the amenity of occupiers of adjacent properties, including through the avoidance of overbearing and visually intrusive forms of development.
20. Furthermore, I find there is conflict with the requirement of the Framework to provide evidence that the possibilities for alternative siting on an existing building, mast or other structure could not be achieved in order to minimise the associated environmental effects arising from the proposed development. There is also conflict with the requirement to certify that International Commission guidelines would be met.
21. Whilst I recognise the benefits of the proposed telecomms infrastructure, I do not consider they would be sufficient to outweigh the significant harm to residents' living conditions and the character and appearance of the locality. The proposal would also conflict with the requirements of the Framework for new electronic communications development.
22. For those reasons, the appeal should be dismissed.

R Hitchcock

INSPECTOR