

Appeal Decision

Site Visit made on 24 August 2021

by Mr Andrew McGlone BSc(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2021

Appeal Ref: APP/V4250/W/21/3272222

SW on Mesnes Road, Marylebone, Wigan WN1 2QT

- 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 Hutchison 3G UK Ltd against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/20/89943/TCSO, dated 17 September 2020, was refused by notice dated 18 November 2020.
 - The development proposed is the installation of a 15 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal follows a decision by the Council not to give their approval for the siting and 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 permission granted under the GPDO is equal to an outline planning permission and the consideration of the proposal is limited to its siting and appearance, taking into account any representations received. I have determined the appeal on the same basis.
3. Notwithstanding the description of development found on the planning application form, I have used the version from the appeal form and decision notice as this better reflects the scheme that is before me.
4. Following the publication of the revised National Planning Policy Framework (the Framework) on 20 July 2021, I provided the appellant with an opportunity to comment on its relevance to the case.

Main Issue

5. I agree with the Council's position about the proposed ground base equipment. The Council's concern relates to the position and height of the proposed monopole in relation to its surroundings. Hence, the main issue is the effect of the siting and appearance of the proposed monopole on the character and appearance of the area, in terms of its position and height, and whether any harm caused is outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

6. The proposed monopole would be within a deep pavement in front of a terraced row of properties used for commercial uses on the ground floor with residential above. The site lies within a Local Centre and the surrounding area is characterised by a mixture of residential and commercial properties which are generally of a two-storey scale. Street lighting columns, traffic signs, street trees, litter bins and utility boxes populate the road.
7. Framework paragraph 114 advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that the expansion of electronic communications networks, including next generation mobile technology (such as 5G) should be supported. Paragraph 115 sets out that the number of masts should be kept to a minimum and where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate.
8. Framework paragraph 118 establishes that local planning authorities should not question the need for an electronic communications system. Nevertheless, the appellant company's evidence demonstrates that the monopole would be sited in a location which would enhance network coverage and capacity as part of its rollout of a network upgrade to provide improved 4G and 5G services.
9. The proposed monopole is said by the appellant company to be the minimum height possible to ensure the antennas are above any clutter such as buildings or trees. I have no reason to doubt this, however, the proposed monopole would introduce a tall feature in the street that would extend considerably above the roofline of nearby properties and street lighting columns even accounting for the gradual ground level changes in the road. The proposed monopole would also be a prominent feature from the first-floor habitable room windows in the terrace. Due to the effect of both, I consider that the proposal would cause a significant visual impact even with its proposed colour finish and siting within a deep footway.
10. There is, however, a balance to be struck between siting the proposed monopole and minimising its impact on residential properties when the area identified for improved coverage is strongly characterised by such uses. Several alternative sites have been considered and discounted by the appellant company for a variety of reasons. These sites include two rooftop locations and all lie within the immediate vicinity of the appeal site. I have no reason to disagree with the appellant company's assessment on these alternative sites. However, despite the claimed limited scope to move the proposal far from the nominated position, this is not the same as there being no other sites that would still enhance coverage and capacity in the area.
11. The proposal would help deliver a modern, advanced, high quality and reliable communications infrastructure that supports a range of consumers. The appeal scheme would also aid economic growth and the local community by facilitating fast and reliable communication to take place especially with the growing reliance on data. There would be moderate economic and social benefits from the appeal scheme. While there were also economic and social benefits relating to the scheme at the Crown public house, these are not exactly the same given that they were linked to the replacement of an existing mast to also serve the Emergency Services Network. Thus, the circumstances are not directly similar.
12. I conclude that the proposed monopole would be a prominent feature in the

street and its siting and appearance would significantly harm the character and appearance of the area, with regards to its height. As such, the proposal would accord not with Policies CP10 and CP17 of the Wigan Local Plan Core Strategy and the Supplementary Planning Guidance for Telecommunications Development. These jointly seek development to respect the character of the locality, in terms of siting and size used; and not have an unacceptable adverse impact on amenity. Hence, they are material in this case. This harm is not outweighed in this case by the need to site the installation in the location proposed having regard to the potential availability of alternative sites or by the economic and social benefits of the proposal.

Conclusion

13. For the reasons set out above, I conclude that the appeal is dismissed.

Mr Andrew McGlone

INSPECTOR