
Appeal Decision

Site Visit made on 3 November 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 1 December 2021

Appeal Ref: APP/B4215/W/21/3279780

Carisbrook Street, Harpurhey, Manchester M9 5AB

- 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(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Hutchison UK Ltd against the decision of Manchester City Council.
 - The application Ref 130190/TEL/2021, dated 28 March 2021, was refused by notice dated 16 June 2021.
 - The development proposed is a 15m Phase 8 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 name of the applicant is given as Hutchison UK Ltd in the original planning application forms, but the appellant's details are specified as Hutchinson 3UK in the submitted appeal forms. An email has been submitted to confirm that Hutchison UK Ltd is the appellant and I have therefore used this name in the banner heading above.
3. The provisions of the GPDO require the local planning authority 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.
4. The Council has referred to a number of development plan policies in its decision notice. However, 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 to be had to the development plan. I have therefore had regard to the policies of the development plan and the Framework¹ only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed development upon the character and appearance of the area, and on highway and pedestrian safety.

¹ The National Planning Policy Framework 2021

Reasons

Character and Appearance

6. The appeal site comprises an area of pavement on the southern side of Carisbrook Street. It is positioned in front of a slightly raised area of grassland that surrounds Harpurhey Community Church. It also lies adjacent to a spacious pedestrian route that runs in between the grassland that abuts this church and Harpurhey Park. Whilst there are some streetlights and mature trees nearby, this stretch of Carisbrook Street is open in nature, with the appeal site sitting in a relatively exposed position.
7. The proposed site plan shows that the monopole mast, which would be approximately 15 metres high, and equipment cabinets would be positioned at the back edge of the pavement and next to a streetlight. The appellant has emphasised that the siting and height of the proposed mast arises from technical and operational requirements, and I appreciate that it would not be on Article 2 (3) land or in close proximity to any listed buildings.
8. Nonetheless, the proposed monopole would be appreciably taller and bulkier than the nearby streetlight and other vertical structures along Carisbrook Street. Whilst the trees would offer some screening and soften the appearance of the monopole when viewed from either side of this highway, it would project above them and be clearly visible in the street scene. From other locations along the pedestrian route and Conran Street, it would also appear bulky, prominent and intrusive particularly when seen against the skyline.
9. The open and exposed nature of this location would therefore have a consequential effect of emphasising the proposed development, which includes the disparate line of clutter created by the close positioning of the existing streetlight, proposed equipment cabinets and mast. Irrespective of any potential changes in its colour, the proposed development would thereby result in the introduction of a dominant and visually obtrusive feature in the street scene.
10. The appellant contends that the associated equipment cabinets are within the size limits to be classified as permitted development. However, I am not convinced that there is a greater than theoretical possibility that the installation of the cabinets on their own may occur. In any case, the proposal before me relates to the whole installation, and I have therefore considered the effect of all of the proposed equipment in relation to the main issues of this appeal.
11. In light of the above, I find that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area. As such it would conflict with saved policy DC17.1 of the UDP² and policies DM1 and SP1 of the Core Strategy³ with regards to siting and the effect on the character and appearance of the surrounding area. The proposal would also conflict with the Framework in respect of equipment being sympathetically designed.
12. In its decision notice, the Council has referred to saved UDP Policy DC18, but that is concerned primarily with development proposals in Conservation Areas and so is not directly applicable to this appeal.

² Unitary Development Plan for the City of Manchester 1995

³ Manchester's Local Development Framework Core Strategy Development Plan Document 2012

Highway and Pedestrian Safety

13. It is uncontested by the main parties that the nearby church and park would be likely to generate higher levels of footfall than would normally be experienced in the surrounding residential streets. Indeed, footfall was relatively frequent in this area at the time of my morning weekday site visit, with a number of small groups of people using the pedestrian route into and out of Harpurhey Park. There was also a regular flow of vehicular traffic in both directions along Carisbrook Street. It is therefore likely that these movements may increase at busier peak times during the evening and weekends.
14. From my observations on site and based on the available evidence before me, it appears that the presence of telecommunications equipment in this location would reduce the width of the footway at this point to a level where there would be a genuine threat of its narrowness displacing pedestrians, wheelchair users or walkers with pushchairs onto the roadway in order to navigate past one another, to the detriment of highway and pedestrian safety.
15. I am also mindful that the Council's Highway Section considers the width of the footway to be insufficient and that an unobstructed minimum clearance of two metres to any adjacent street furniture and the edge of the carriageway should be retained to cater for pedestrians and wheelchair/buggy users. I have no substantive reason to disagree with this view and therefore find that the siting and appearance of the proposal would harm the safety of pedestrians and other highway users.
16. In so far as they are material considerations, conflict would therefore arise with saved UDP policy DC17.1 and CS Policies DM1 and SP1. Amongst other matters, these require regard to be had to the siting and design of telecommunications development and for development to make a positive contribution to the safety of residents and road safety. Paragraph 111 of the Framework also indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. I have found this to be the case in this instance.

Other Matters

17. I appreciate that the appellant sought pre-application advice from the Council before submitting the application, however there is conflicting information before me in respect of whether or not a response and support for the proposed location was received. I am also aware that the proposed monopole has been reduced in height since the previously refused application (Ref: 127072/TEL/2020). Nonetheless, these matters have had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.
18. The appellant contends that the site has been selected in a location as feasibly distant as possible from houses and lines of sight from windows to minimise any encroachment on residential amenity. It has also been put to me that no statutory consultees objected to the proposal, including landscape experts, during the planning application stage. However, these matters did not appear to be contentious in the appeal and the absence of harm in these respects would be neutral in the overall planning balance. There is also little firm evidence before me to suggest that the appeal proposal would prejudice the future redevelopment of adjacent land.

Benefits and Planning Balance

19. I am mindful of the economic and social benefits of providing and enhancing electronic communication infrastructure. The appellant emphasises that the proposal would provide a vastly improved level of connectivity (access and speed) to a multitude of users, devices and services, which would improve community safety and crime prevention. Furthermore, the Framework advises that advanced, high-quality and reliable communication infrastructure is essential for economic growth and social well-being and that the expansion of electronic communication networks, including next generation mobile technology (such as 5G), should be supported.
20. The Council has not disputed the appellant's technical justification for the need to improve network coverage in the area, nor has it questioned the list of alternative sites that were considered as part of the site selection process, and the reasons why they were not pursued. I see no reason to take a different stance and consider these factors all to weigh in favour of the proposal.
21. 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 and to avoid unacceptable impacts on highway safety.
22. Having regard to all relevant considerations, including national planning policy and the potential availability of alternative sites, I do not consider that the benefits of the installation in terms of the enhancement of the telecommunications network, including the possible sharing capabilities of the structure, its contribution to economic growth and the operational and locational needs of the operators outweigh the significant harm arising to the character and appearance of the area and to highway and pedestrian safety. As a result, the proposal would not deliver sustainable development.
23. For the reasons given above the appeal is therefore dismissed.

Mark Caine

INSPECTOR