



Appeal Decision

Site visit made on 23 November 2021

by Samuel Watson BA (Hons) MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: Tuesday 11 January 2022

Appeal Ref: APP/M3455/W/21/3280856

Ubberley Road, Longton, Stoke-on-Trent ST2 0EY

- 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 UK Ltd against the decision of Stoke-on-Trent Council.
 - The application Ref 66640, dated 26 March 2021, was refused by notice dated 6 July 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 allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the siting and appearance of a 15m phase 8 monopole C/W wrapround cabinet at base and associated ancillary works on Ubberley Road, Longton, Stoke-on-Trent ST2 0EY in accordance with the terms of the application 66640, dated 26 March 2021 and the plans submitted with it, including drawing Nos 002 issue B, 210 issue B, 260 issue B all of which fall under Master Drawing Number SOT16047_M002.

Preliminary Matters

2. The provisions of the GPDO, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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.
3. The principle of this development is established by the GPDO. Notwithstanding the provisions of Schedule 2, Part 16, Class A of the GPDO, I have had regard to the policies of the development plan, related guidance and the National Planning Policy Framework (the Framework, published 20 July 2021) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on (i) the character and appearance of its surroundings, and (ii) the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

5. The appeal site is located on the pavement serving Ubbberley Road adjacent to a public car park and a deep verge with trees. Although the wider area is predominantly residential in character, the appeal site lies within a small commercial area of which the car park also forms part. This area includes a large and modern mixed-use building providing commercial and community facilities. It is in relation to this commercial area that the appeal site is read, rather than the wider residential area.
6. During my observations on site, I noted existing antennas on a commercial building which contributes towards the character of this area. The trees and streetlights also provide a sense of verticality along this side of Ubbberley Road. Whilst I note that they are shorter than the proposed mast, the narrow nature of the mast and its head would not be an intrusive punctuation above the trees and streetlights. To a lesser degree the trees would also somewhat soften the appearance of the mast in some views, but this would be limited. Nevertheless, within its context the simple and utilitarian design of the mast would be in keeping with the commercial character of its surroundings and the vertical nature of the existing street furniture. Moreover, the cabinets associated with the mast would be relatively modest in scale and similar to cabinets typically found along roads. As such they would not adversely affect the street scene, either on their own or cumulatively with the mast.
7. I therefore find the siting and appearance of the proposal would not harm the character and appearance of its surroundings. In reaching this conclusion, I have taken into account, and find the proposal would comply with, Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 which requires that, amongst other matters, development is well designed and contributes positively to an area's identity. It would also comply with the character and appearance aims of the Framework, including Paragraph 130 which requires that, amongst other things, development is visually attractive and maintains a strong sense of place.

Living Conditions

8. The proposed mast would be set some distance away from any nearby residential dwellings which would be on the opposite side of the road. Moreover, those closest to the mast would face it at an angle. Therefore, whilst the mast would be visible from a number of dwellings, its scale and siting in relation to them would ensure that their outlook would not be unacceptably affected, and the living conditions of neighbouring occupiers would not be harmed.
9. I therefore find that its siting and appearance would not adversely affect the living conditions of neighbouring occupiers and would comply with Paragraph 130(f) of the Framework which requires development to promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

10. The proposed mast and its associated cabinets would take up a portion of the pavement and this may make it more difficult for the users of mobility aids to pass each other or people walking at this point. However, I observed the area to have relatively low levels of vehicular and pedestrian traffic and therefore, I find such an occurrence would be rare and that it could be dealt with safely by one party waiting while the other passes. Given this, and that the proposal would not require anyone to step onto the carriageway I agree with the local highway authority in its findings that the proposal would not harm highway safety.

Conditions

11. Any planning permission granted for the erection of telecommunications equipment, including a mast and cabinets under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These specify 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.

Conclusion

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

Samuel Watson

INSPECTOR