



Appeal Decision

Site visit made on 5 January 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/P4225/W/21/3282674

Kingsway, Firgrove, Milnrow, Rochdale OL16 4AP

- 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 appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 21/00948/TELE, dated 13 June 2021, was refused by notice dated 12 August 2021.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO 2015), 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 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 Rochdale Adopted Core Strategy, October 2016 (the CS) and the National Planning Policy Framework (the 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 proposal on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

5. The proposed installation would be sited close to a pedestrian entrance to a supermarket on Kingsway. Although there are residential properties opposite

the appeal site, the adjacent car sales showroom, petrol station and supermarket give the locality a commercial backdrop. There are also numerous street lights and examples of advertisements within the street scene which create a strong vertical emphasis in this locality. Therefore, whilst the proposed monopole would be taller and wider than these features, I consider that it would appear to assimilate into its largely commercial surroundings.

6. Notwithstanding this however, given the set-back pedestrian entrance of the supermarket, the proposed installation would be sited in a largely central location in the public realm. This prominent siting, along with the collective lengthy stretch of equipment proposed, would cause the combined installation to be an intrusive and incongruous feature that would obscure the supermarket entrance and interrupt this open and spacious area of public realm, thus significantly detracting from the street scene.
7. The appellant asserts that the associated cabinets are permitted development and thus are not subject to prior approval. It has not been demonstrated how they would meet the permitted development requirements and, moreover, as they form part of the telecommunications works that have been applied for it seems to me that the cabinets are only required in conjunction with the proposed monopole, hence it is reasonable to consider the collective effect of the proposed installation.
8. Accordingly, the siting and appearance of the proposal would cause harm to the character and appearance of the area. Insofar as they are a material consideration, the proposal would be contrary to the aim for design quality in the CS and the Framework's objective of achieving well designed places.

Other considerations

9. Chapter 10 of the Framework supports the provision of high quality communications, noting that advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing. The proposal would facilitate improvements to 5G coverage levels and network capacity within the locality.
10. Paragraph 117 of the Framework expects that an application for a new mast is supported with evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored. The appellant has suggested that the cell search area is in a densely packed residential area and is extremely constrained and has indicated seven other sites that have been considered and subsequently discounted. It is suggested that the proposed location has been identified as the only viable option that minimises amenity issues.
11. However, the details of the alternative sites and reasons for discounting them are significantly limited. Furthermore, as I have found above, the locality is mixed in character with a number of commercial sites comprising of large buildings, including the adjacent supermarket and a nearby retail park. Both are located close to alternative sites that have been discounted. There is nothing before me to suggest that these commercial locations, which are relatively separated from residential properties and cover large areas, are not within the cell search target area and there is no compelling evidence to indicate why alternative sites around these commercial locations have not been explored or that they do not provide realistic alternatives.

12. Accordingly, I am not persuaded that the search and assessment of alternative sites was sufficiently robust or that an exhaustive search for a site that is less harmful has been carried out. The proposed installation would be an unduly prominent and incongruous feature within an open part of the street scene and I am not satisfied that the harm I have identified is outweighed by the need for the installation to be sited as proposed.

Other Matters

13. Concerns have been raised about potential effects on health. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
14. Concerns in relation to the effect of the proposal on house values is a private interest and is not therefore a consideration for the planning system.
15. I acknowledge that the proposal may result in a number of social and economic benefits however these have not been taken into account in considering the matters of siting and appearance.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

H Ellison
INSPECTOR