
Appeal Decision

Site visit made on 31 January 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/B4215/W/21/3285778

Palatine Road, West Didsbury, Manchester, Greater Manchester M20 6UT

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Manchester City Council.
 - The application Ref 130969/TEL/2021, dated 25 June 2021, was refused by notice dated 24 September 2021.
 - The development was originally described as proposed telecommunications installation: Proposed 20.0m 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 description of development in the heading above is taken from the application form. The scheme was amended during the application process and the height of the monopole was reduced to 15m. I have determined the appeal accordingly.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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.
4. 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 be had to the development plan. I have had regard to the policies of the development plan¹ 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.

¹ Including Policies DM 1, EN 3 and SP 1 of the Manchester's Local Development Framework: Core Strategy Development Plan Document (2012) and Policies DC17.1 and DC18.1 of The Unitary Development Plan for the City of Manchester (1995)

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on:
- the character and appearance of the area, having regard to the Blackburn Park Conservation Area (CA);
 - highway and pedestrian safety; 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

6. The proposed installation would be located towards the back edge of the footway close to the junction of Palatine Road and Lapwing Lane as well as West Didsbury Metrolink stop. Within the vicinity of the site is existing street furniture and buildings are mainly 2-3 storeys high.
7. The appeal site is located within the CA. From the evidence before me, the houses built along Palatine Road constituted the first phase of development in Blackburn Park. This section of the CA is characterised by primarily residential and commercial buildings as well as the busy junction and Metrolink. Buildings vary in style and materials.
8. The appellant asserts that the associated ancillary cabinets are within the size limits to be classified as permitted development and should not be considered as a reason for refusal. Nonetheless, the proposal before me relates to the whole installation.
9. The monopole would be taller than the existing street furniture, including trees and streetlights. I understand that the design of the monopole is dictated by technical considerations, and it is essential for the pole to be 15m high to enable local provision and clear surrounding buildings.
10. The scheme would be visible from various vantage points because this section of the pavement is wide and open. Although there are 3 storey buildings within the surrounding area, the monopole has limited visual connection with these buildings. By reason of the monopole's height, siting and appearance it would stand out as a dominant feature because of the open nature of the immediate surrounding area. The scheme would therefore appear as an obtrusive and incongruous addition to the local street scene.
11. Framework paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where there is less than substantial harm, this harm should be

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

12. The harm arising to the CA would be localised and less than substantial, nevertheless it is of considerable importance and weight. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Furthermore, planning decisions should support the expansion of electronic communications networks. The need for the installation weighs in favour of the appeal and I acknowledge the benefits of the scheme including those set out in figure 3 of the appellant's appeal statement.
13. Whilst I do not dispute the benefits of enhancing connectivity, I observed on my site visit, and the Council and residents have highlighted, that other similar structures have been installed on the opposite side of the road. These are located outside of the CA. The Council has also provided a copy of a letter they have received (dated 5 October 2021) relating to a Regulation 5 notice and intention to utilise permitted development rights to upgrade the existing installation. The appellant has not commented on this letter.
14. I acknowledge that site D2 was discounted because of an existing monopole being situated in this location and siting the installation close to existing masts would cause interference. It is unclear from the appellant's submission whether this structure has been discounted as an option for upgrading and for what reason. Given that I am not convinced that the appellant has adequately explored whether there may be less harmful alternatives, it has not been demonstrated that the public benefits could not be achieved by siting the monopole elsewhere. This matter is dealt with in more detail below. Thus, based on the information presented, it is my overall view that the need for a new monopole does not in this case, outweigh the harm, having regard to paragraph 202 of the Framework.
15. Consequently, the proposal would have a harmful effect upon the character and appearance of the area and would not preserve or enhance the CA.

Highway and pedestrian safety

16. As set out above, the scheme would be situated towards the rear of the pavement and adjacent to the Metrolink stop. I acknowledge that the pavement is well used because of the nearby Metrolink stop. The existing street furniture, including bench, railings and street trees, already impact pedestrian movement.
17. The proposal is likely to impact pedestrian movement as it would result in a narrower gap between the installation and the tree due to the siting of the monopole and associated cabinets. The distance between the scheme and tree would be slightly below that recommended in the Council's Design for Access 2 (2003) document. Nevertheless, there would still be sufficient space between the existing street furniture and the scheme due to the width of the pavement. Therefore, the installation would not compromise the ease or safety of use of the pavement for pedestrians or other users of the footway.
18. Accordingly, the siting and appearance of the proposal would not have an unacceptable effect on highway and pedestrian safety.

Suitable alternatives

19. Paragraph 117 of the Framework sets out that applications, such as that proposed, 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.
20. The appellant asserts that the cell search area is extremely constrained, and the only viable option has been put forward. I have had regard to the Site Specific Supplementary Information and the discounted options.
21. As set out above, there are other similar structures within the vicinity of the site which are located outside of the CA. It is unclear whether they have been discounted as an option for upgrading and for what reason. For example, whether mast sharing is not technically feasible. The Council did not suggest alternative sites during the pre-application consultation. Nonetheless, the Council and residents refer to the other masts and question the need for an additional telecommunications installation. The appellant has not clearly addressed this matter and has not explained why a further new mast is required in this location.
22. Consequently, based on the evidence presented, I am not satisfied that the appellant has conducted a thorough review of possible options within the search area or adequately explored whether there may be less harmful alternative sites. As such, the harm I have identified above is not outweighed by the need for the installation to be sited as proposed.

Other matters

23. I acknowledge the other matters highlighted including Future Telecoms Infrastructure Review, Letter to Chief Planning Officers: Planning for Growth and a condition relating to colouring of the equipment. However, these matters do not justify the harm identified above.
24. The appellant has referred to the former District Bank and the former Withington Town Hall which are listed buildings. The Council raise no concerns in respect of the effect of the development on the setting of those listed buildings, and I have no substantive reason to consider otherwise. Given the distance to these listed buildings and the intervening built development, I am satisfied that the proposal would not harm the significance of the designated heritage assets. This is a neutral consideration and does not weigh in favour of the appeal.

Conclusion

25. Although I have found that the scheme would be acceptable in terms of highway and pedestrian safety, it would have a harmful effect upon the character and appearance of the area and would not preserve or enhance the CA. The harm I have identified is not outweighed by the benefits of the scheme or the need for the installation to be sited as proposed.
26. For the reasons given above, I conclude that the appeal does not succeed.

L M Wilson

INSPECTOR