



Appeal Decision

Site visit made on 22 February 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2022

Appeal Ref: APP/P4225/W/21/3283532

Land at Melbourne Road, Balderstone, Rochdale, Greater Manchester OL11 2EQ

- 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 Cornerstone and Telefonica UK Ltd against the decision of Rochdale Borough Council.
 - The application Ref 21/00158/TELE, dated 20 January 2021, was refused by notice dated 25 March 2021.
 - The development proposed is the installation of a 20m slim-line column supporting 6no. antennas, 2no. transmission dishes, equipment cabinets and ancillary development thereto including a GPS module and 3no. remote radio units (RRUs).
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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) for the installation of a 20m slim-line column supporting 6no. antennas, 2no. transmission dishes, equipment cabinets and ancillary development thereto including a GPS module and 3no. remote radio units (RRUs) at land at Melbourne Road, Balderstone, Rochdale, Greater Manchester OL11 2EQ in accordance with the terms of the application Ref 21/00158/TELE dated 20 January 2021, and the plans submitted with it including plan numbers 100 rev A; 201 rev A; 301 rev A.

Preliminary Matters

2. The principle of development is established by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the proposed development solely based on its siting and appearance, taking account of any representations received. I have determined the appeal on the same basis. 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 nevertheless had regard to the policies of the development plan and the National Planning Policy Framework 2021 (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

3. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- if there is any harm, whether this is outweighed by the need to site the proposed development in the location proposed having regard to the potential availability of alternative sites.

Reasons

Character and Appearance

4. The appeal site is located on the north side of Melbourne Road close to its junction with Oldham Road. It comprises an area of highway verge that separates the pavement from the road. The surrounding area is mainly residential, with a mix of commercial and residential uses on Oldham Road in the vicinity of the site.
5. There are several vertical structures in the vicinity along Oldham Road including street lighting columns at regular intervals, bus stop signs, traffic lights and an existing telecommunications mast of 15m in height with associated equipment approximately 300m to the north. There are also street lighting columns on Melbourne Road, including within the highway verge just to the east of the site. A road sign is also located here. There are a number of trees immediately to the west of the site, as well as several within the verge to the north of the pavement including two located to the rear of the site.
6. The height and width of the mast has been reduced to the minimum necessary for its purpose. The antennas would be of a similar width to the mast. It would therefore have a relatively simple form. However, at 20m high, the mast would be considerably higher and have a greater width than the existing vertical structures in the vicinity.
7. The mast would be visible for quite a distance when travelling along Oldham Road. However, it would be mainly the top section that would be visible until in relatively close proximity, due to the screening effect of the buildings fronting onto the road and the nearby trees. From most viewpoints along this road, the mast would be viewed in conjunction with other vertical components and so would not be seen as an isolated vertical structure. The light grey colour proposed would help to reduce its contrast with the sky.
8. From a distance, whilst the mast would be prominent in certain perspectives along Oldham Road, it would not be a dominant or incongruous feature. However, in closer proximity, the mast would be more apparent in the street scene when viewed from public vantage points. The mast would also be apparent from some vantage points along Badger Lane, although its lower section would be seen against the backdrop of vegetation, which would soften its visual impact. It would also be visible from Holly Street, though views would mainly be of the top section against the sky given the screening effect of the nearby trees and dwellings, which would lessen its prominence.
9. The mast would be visible for much of the length of Melbourne Road. The trees would provide some screening especially in close views, although the mast

would be more clearly visible when the trees are not in leaf. The mast would be seen against the skyline when viewed from locations further along Melbourne Road given its height, and it would be seen at some distance.

10. The rear first floor windows of the dwellings at 6 and 8 Melbourne Close and the side first floor window of 414 Oldham Road would face towards the site. Several windows of the bungalow at 416 Oldham Road would also look towards it. Although the mast would not be directly in front of these windows, there would be clear views of it. It would affect the outlook for those residents to an extent. However, given the separation distance, the filtering effect of the trees and the nature of the mast which would take up a relatively narrow part of the view, the effect on outlook would not be unacceptable.
11. From certain vantage points it would be possible to see the mast in the same view as the existing one to the north. They would, however, be viewed in association with the street lighting columns along Oldham Road. Furthermore, there would only be very limited vantage points where the full height of both masts would be visible in the same view. There would be a reasonable separation distance between the two masts when viewed sequentially. As such, cumulative effects would not be significantly harmful.
12. The scale and design of the equipment cabinets are modest, and they would be seen against the backdrop of the sloping grass verge to the north and the trees to the rear. The siting and design of the equipment cabinets would not therefore have a detrimental effect on the character or appearance of the street scene.
13. Overall, although the appellant has sought to minimise the visual impact of the proposed development through siting and design, given its height, the mast would be a noticeable feature in the street scene from close quarters. There would therefore be moderate harm to the character and appearance of the area.
14. Accordingly, the proposed development would conflict with Policies P1, P3 and DM1 of the Rochdale Adopted Core Strategy, 2016. Collectively these policies require a high quality design, which Policy P1 identifies as being particularly important in Local Improvement Corridors such as Oldham Road, and that development proposals should be compatible with surrounding land uses. There would also be some conflict with the requirements of the Framework relating to communications infrastructure, which requires telecommunications development to be sympathetically designed and camouflaged where appropriate, amongst other matters. However, as set out above, in my view, given the particular nature of the scheme and its surrounding context, such harm may fairly be described as limited in extent.

Alternative Sites

15. Paragraph 115 of the Framework states that the number of communications masts and the sites for such installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It encourages the use of existing masts.
16. The appellant has investigated alternative sites including mast sharing and co-location as required by paragraph 117 of the Framework. As described in the

appellant's supplementary information and appeal statement, 17 locations were assessed, which would provide similar coverage as proposed here. Given the topography, surrounding context, and land availability, none would achieve comparable benefits.

17. I also note that in respect of a number of the options, rightly, the appellant argues that similar objectives could be achieved but only at the expense of development with greater adverse effects in terms of siting or appearance. These include: existing installation at Oldham Road; footway at Oldham Road; grassed area behind the bus stop shelter opposite the car wash; convenience shop at Oldham Road/Badger Lane; Canberra Way Apartments; Kensington Place, Connaught Avenue; La Scala Restaurant; two storey buildings in between Wasp Avenue and Balderstone Road and similar building across Balderstone Road; Balderstone Road, adjacent to Balderstone Park; Hill Top Drive/Melbourne Road; green space in between Perth Road and Caesar Street; footway along Oldham Road from the junction with Melbourne Road to the junction with Broad Lane.
18. The need for the new site is partly to facilitate the appellant's roll out of the 5G network and improve service coverage and capacity in the area. The Framework recognises that advanced, high quality and reliable communications infrastructure, such as 5G, is essential for economic growth and social wellbeing, and that its expansion should be supported. The appellant has investigated other sites and given that no less harmful sites that would meet the technical requirements have been found, I give substantial weight to the benefits that would result from the proposed development.
19. In weighing all the above matters, the benefits that would be delivered by the proposed development in terms of enhancing local telecommunication coverage would outweigh the moderate harm to the character and appearance of the area.

Conditions

20. The permission granted for the development 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) of the GPDO, which 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 five 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

21. For the above reasons, having had regard to all matters raised, I conclude that the appeal should be allowed, and prior approval should be granted.

F Wilkinson

INSPECTOR