
Appeal Decision

Site visit made on 1 March 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2022

Appeal Ref: APP/M3455/W/21/3282690

Anchor Road, Sandford Hill, Longton, Stoke on Trent, ST3 5DN

- 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 Hutchinson Networks (UK) Ltd against the decision of Stoke-on-Trent City Council.
 - The application Ref 66959/PRA, dated 5 June 2021, was refused by notice dated 17 August 2021.
 - The development proposed is 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has referred to a development plan policy 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 be had to the development plan. I have had regard to the policy of the development plan only in so far as it is a material consideration relevant to matters of siting and appearance.

Main Issue

3. I am satisfied that the proposal complies with the relevant limitations and restrictions set out in the GPDO. However, development under Part 16, is subject to a condition that the prior approval of the Council must be sought for the siting and appearance of the development.
4. Consequently, the main issue in this appeal is the effect of the proposal on the character and appearance of the area and the living conditions of the occupants of neighbouring residential properties with regard to outlook.

Reasons

Character and appearance

5. The appeal site is located along a busy road that runs through a predominantly residential area, although the dwellings are interspersed with some commercial buildings and open spaces. Whilst urban in character, the built environment along Anchor Road is softened by existing vegetation located within residential

gardens, parks and on highway verges (including the roadside embankments that lie close to the appeal site).

6. The proposed development would sit towards the back of the north western footpath of Anchor Road and would abut the front boundary wall of 269 Anchor Road (The Presbytery). The Presbytery is a large, detached, dwelling, set back a significant distance from the footpath. It has a large front garden that contains a number of mature trees, which are said to be approximately 10m high. Two street lamp posts and a telegraph pole, approximately 8m in height, lie close to the appeal site.
7. Views along Anchor Road from the north east would be limited as a result of significant changes in the ground levels and existing vegetation. That said, the mast would be clearly visible, above the trees, when viewed from the properties in Weston Street, which are located above the Anchor Road embankment.
8. When viewed from the south the visual impact of the mast would be mitigated, to a degree, by the trees located within the Presbytery, and the rising ground beyond. However, given its height, the mast would still project well above the trees, and be seen clearly against the skyline. I am in no doubt that it would be seen as a prominent feature by local residents, road users and pedestrians.
9. I note that a mast with a 'slimline street pole' design has been specified. Nonetheless, I find that it would be much taller and bulkier than the lamps columns and telegraph pole which lie nearby. Its height and width would set it apart from other street furniture. Consequently, I find that the proposed mast would appear as an intrusive feature that would harmfully detract from the character and appearance of the area.
10. The appellant indicates that, even if the development was to be allowed, the retained pavement width would allow the free flow of pedestrians. The Council do not contest this assertion. From what I saw on my site visit I have no reason to disagree.
11. I have also taken into account the appellant's desire to improve digital wireless, mobile coverage within the area, with new equipment that facilitates 5G coverage. In this regard I note that the Council has not disputed the appellant's need for improved coverage and indicate that they are fully supportive of the technology. I see no reason to take a different stance.
12. In order to facilitate this improvement, the appellant has identified a number of alternative sites, which they have considered and discounted for various reasons. That said, a local resident has referred to other options that should be considered within nearby industrial areas. The Council, in their officer report, refer to the alternative sites that were considered by the appellant. For their part they have not contested the area of the search, the alternatives considered, or made alternative suggestions.
13. In this regard I have considered the evidence provided by the appellant, and in particular paragraph 3.15 of their statement and figure 5. It appears to me that the full range of options, including areas to the north of the appeal site, have not been exhausted.
14. Notwithstanding the above, the appellant's indicate that had the Council weighed up the perceived levels of harm to amenity against public benefit they

would have ordinarily concluded the balance was overwhelmingly in favour of support for such development.

15. In this regard I note the support in the National Planning Policy Framework (the Framework) for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also acknowledge that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. 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.
16. For the reasons set out above, I do not consider that the appeal proposal has been sympathetically designed as required by the Framework. Moreover, I have concluded above that the development would be harmful to the character and appearance of the area, and do not consider that harm to be outweighed by the support in the Framework for high quality communications, when weighed against the development plan harm and the wider requirements of the Framework.
17. Insofar as it is a material consideration, the proposal would be contrary to the aims of Policy CSP1 of the Newcastle-under Lyme & Stoke-on-Trent Core Spatial Strategy 2006-2026. Amongst other things, this policy requires new development to be well designed so as to respect the character, identity and context of the area.

Living conditions

18. The Presbytery is set back from Anchor Road with a number of large deciduous and coniferous trees within the front garden. The direct line of sight between the property's ground and first floor windows, and the proposed mast, would mean that the deciduous trees would help to mitigate its visual impact of the mast, particularly when in full leaf. That said, I noted on my site visit that the trees had unbalanced crowns and as a result any screening benefits would be limited. Moreover, the trees are not within the control of the appellant and their future retention cannot be guaranteed. Any loss of tree cover would increase the prominence of the proposed mast when viewed from The Presbytery to the detriment of the outlook of its occupants.
19. The proposed mast would also be clearly visible from the ground and first floor windows in the side elevation of 1 St. Mary's Road, which is located on the opposite side of Anchor Road. Whilst I acknowledge that the lower section of the mast would be seen against a backdrop of trees and buildings, the top portion would clearly visible and would appear as a prominent incongruous feature on the skyline.
20. The impact on outlook from within other properties located in St. Mary's Road and Anchor Road would be more limited due to the greater distances involved and the angle of view. Nonetheless, the proposed mast would be visible, against the skyline when viewed from within their gardens. As a result, the proposed mast would be harmful to the outlook of the occupants of those properties.
21. Insofar as they are material consideration, the proposal would be contrary to the aims of Policy CSP1 of the Newcastle-under Lyme & Stoke-on-Trent Core

Spatial Strategy 2006-2026 and paragraph 130 of the Framework. These require developments that add to the overall quality of the area, whilst providing a high standard of amenity, not just for the short term, but over the lifetime of the development.

Other Matters

22. Concerns have been raised about potential effects on health, particularly the proposed monopole's proximity to residential properties. However, 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.

Conclusion

23. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

John Gunn

INSPECTOR