



Appeal Decision

Site visit made on 5 April 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 5 May 2022

Appeal Ref: APP/C4235/W/21/3286067

Hillbrook Road, Bramhall, Stockport SK7 2BT

- 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 GPDO).
 - The appeal is made by EE Ltd against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/082139, dated 30 July 2021, was refused by notice dated 22 September 2021.
 - The development proposed is the installation of a 20m high Hutchison Engineering Phase 5 Street Pole, 2 no. shrouded antennas, 2 no. 0.3m dishes, 3no. equipment cabinets and ancillary equipment thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance for the installation of a 20m high Hutchison Engineering Phase 5 Street Pole, 2 no. shrouded antennas, 2 no. 0.3m dishes, 3no. equipment cabinets and ancillary equipment thereto at Hillbrook Road, Bramhall, Stockport SK7 2BT in accordance with the terms of the application, Ref DC/082139, dated 30 July 2021, and the plans submitted with it.

Preliminary Matters

2. Amendments to Schedule 2, Part 16, Class A of the GPDO came into force on 4 April 2022. The content of these changes has been considered but in light of the facts in this case it does not alter my assessment of the proposal.
3. The provisions of the GPDO 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 Council has referred to a number of development plan policies 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 to be had to the development plan. As such I have had regard to the policies of the development plan 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

5. 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 would be outweighed by the need to site the installation in the location proposed, having regard to the potential availability of alternative sites.

Reasons

6. The appeal site forms part of a grass verge that is located to the eastern side of a hard surfaced footway that passes under a railway bridge and connects Hillbrook Road to Robins Lane. It also lies to the north of an existing railway line and intervening raised sloping land, and is situated within a predominantly residential area.
7. The proposed site elevation plan shows that the slimline monopole mast, which would be approximately 20 metres high, and 3 equipment cabinets would be positioned adjacent to the back edge of the verge and in between 2 street lights. The appellant has emphasised that the siting and height of the proposed mast arises from technical and operational requirements of providing signal coverage along the railway line and I have no substantive reason to question this.
8. As there are existing streetlights on the same side of the footway and in proximity to the appeal site, vertical structures are not uncommon along this pedestrian and cycle route. On my site visit I saw that these lighting columns are seen against the backdrop of tall banks of mature trees that provide a dense verdant corridor to the eastern and western sides of the footway.
9. My site observations also confirmed that when walking along Robins Lane from the westerly direction it was very difficult to achieve clear views of the site due to the presence of dense tall mature trees along the raised land adjacent to the railway line. The vegetation to the other side of the footway, along with the railway bridge also prevents long range views of the site from most other directions. I accept that this screening may diminish with leaf fall in winter months, though even without their leaves the presence of these trees would help filter the majority of views of the monopole.
10. I appreciate that the monopole would be greater in height than the existing vertical structures already present and would be greater in thickness. It would also be taller than some of the nearby trees and be located in front of an area where there is a small gap in this dense vegetation. However, given the presence of the existing vertical structures, the proposed monopole would not appear alien or unexpected in such a context. Furthermore, the colour treatment would assimilate and provide some visual integration with the adjacent landscape and thereby minimise the visual effects of the upper part of the mast when viewed against the sky. As such, it follows that the smaller scale, and low-lying ancillary development, such as the cabinets, would also assimilate in a similar manner.
11. All of the factors above, and the raised landform to the south and southeast, would therefore serve to prevent extensive views of the proposed development until in close proximity to the site. Nonetheless, it is undeniable that the proposed equipment would have a degree of prominence that would be readily

apparent to pedestrians and cyclists passing close by and from the balcony areas of some properties on Stoke Abbot Close.

12. Accordingly, I find that there would be a small amount of localised harm to the character and appearance of the surrounding area. In so far as they are a material consideration, it would therefore conflict with Policies CS8, and SIE-1 of the Stockport Metropolitan Borough Council Local Development Framework Core Strategy DPD 2011 (Core Strategy). These seek, amongst other matters, to safeguard and improve the built and natural environment.

Alternative Sites

13. The Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It therefore supports the expansion of electronic communications networks, including next generation mobile technology.
14. The Council does not dispute the need for the installation and no compelling evidence has been provided to undermine the credibility of the appellant's submissions in respect of the search area. Nor does it contest the appellant's claims that the proposal would improve the coverage and quality of telecommunications by providing coverage to part of the nearby railway line to enable EE customers to access 2G voice and 3G/4G (and eventually 5G) data. The proposal would also allow train operating companies to meet their obligations to the Department for Transport (DfT) in respect of customer WiFi provision, and would provide enhanced coverage to the wider area, including businesses, residents and visitors.
15. The appellant has submitted a list of alternative sites investigated. These include the potential to mast share, the roof tops of Bramhall Manor Care Home and Kenley Lodge, and other areas, including Bramhall Park Golf Club, Hillbrook Grange, the nearby railway car park and along Bramhall Lane, and Robins Lane which have all been discounted. There is no substantive evidence that challenges the rationale for discounting the alternatives that have been considered and I have no robust evidence before me to suggest that there would be other more suitable sites. The lack of realistic alternative options to deliver improved coverage and capacity is a consideration which weighs strongly in favour of the development.
16. Whilst I have found a small amount of localised harm to the character and appearance of the area, I find no significant conflict with Policy SIE-5 of the Core Strategy. This indicates, amongst other matters, that telecommunications development should not have an unacceptable effect on the character or appearance of the locality; that the siting and external appearance of apparatus minimises visual impact; and that there is no reasonable possibility of sharing facilities or erecting antennae on an existing building or structure. It would also accord with paragraph 115 of the Framework in these respects.

Other Matters

17. The Council has drawn my attention to an appeal decision for a similar sized monopole structure in Stockport (Ref: APP/C4235/W/19/3243020). However, I have considered the appeal before me in the context of its specific site characteristics. Moreover, this case was not needed to provide network

coverage for railway services. Accordingly, its circumstances are not directly comparable with those which apply in this appeal.

18. Reference has also been made by the appellant to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance.

Planning Balance

19. Having regard to all relevant considerations, including national planning policy and the lack of available alternative sites, my findings are that the operational and locational needs of the operator and the enhancement of the local telecommunications network, would outweigh the small amount of localised harm caused to the character and appearance of the area.

Conditions

20. The Council has suggested that 2 planning conditions be imposed should approval be granted. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it, including the colour of the proposed monopole and equipment. These specify that the development must be carried out in accordance with the details submitted with the application, shall begin within 5 years of the date of the approval and 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. Consequently, I have not imposed the Council's suggested conditions.

Conclusion

21. For the reasons above, the appeal should therefore be allowed and prior approval is granted.

Mark Caine

INSPECTOR