



Appeal Decision

Site visit made on 26 April 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2022

Appeal Ref: APP/Q4245/W/21/3289478

Hale Road, Hale Barns, Trafford WA15 8TF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval 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 Hutchinson Networks (UK) Ltd against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 106010/TEL/21, dated 26 September 2021, was refused by notice dated 26 November 2021.
 - The development proposed is a 16.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 'GPDO') under Article 3(1) and Schedule 2, Part 16, Class A require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on this basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require regard to be had to the development plan. I have had regard to the Trafford Local Plan Core Strategy (the 'Local Plan') and the National Planning Policy Framework (the 'Framework') only in so far as they are material considerations relevant to matters of siting and appearance.
4. The application form, Council's decision notice and appeal form all refer to the installation to include a 16m high monopole. However, the submitted plans show a 20m high monopole and in places the appellant's Appeal Statement refers to an 18m high monopole. There is also some discrepancy between third parties about the height of the mast – some refer to it being 20m high, others to it being 12m high. I understand a previous application for a 20m high installation was refused and this may be contributing to confusion and typographical errors. Subsequent clarification with the main parties has confirmed that the proposed monopole that was determined would be 16m tall and the plans the Council determined and referred to in the decision notice have now been submitted. I shall proceed on this basis.

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 is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

6. The Framework recognises the importance of advanced, high quality and reliable communications infrastructure to economic growth and social wellbeing. It goes on to state that planning decisions should support the expansion of networks, including next generation mobile technology such as 5G. According to the appellant 'Three UK' are building the UK's fastest 5G network that will help with the government's aim of 'levelling up' digital connectivity. As part of this, the appeal proposal is for a new installation that would upgrade the CK Hutchison Networks (UK) Ltd (Three) network and improve digital wireless mobile coverage within the area to provide new 5G coverage and associated internet provision for the Hales Barn area.
7. The proposed 16 metre high monopole with wrap-around base cabinet and three other cabinets would be sited on highway land along the back edge of a small, tapered grass verge. The verge sits in front of a boundary hedge and dwarf brick wall that fronts adjacent dwellings 430 Hale Road (No.430), and Fairways on the corner of Prospect Drive. These are low-lying properties as a 1.5 storey dwelling and a bungalow respectively.
8. Hale Road is residential in character and appearance with dwellings set back from the road behind enclosed or secluded front boundary walls, fences and hedges. The grass verge on which the monopole would be sited is the only grass verge on this side of the road. In contrast, on the opposite side of the road is a much longer and wider verge in front of a tall hedge behind which is a golf course.
9. There are a number of trees in the vicinity of the site, but they are less prevalent around the site itself and would not form a backdrop to the proposed mast. An existing approximately 8m high telegraph pole on the grass verge is partially obscured by the canopy of an approximately 24m high tree in the garden of Fairways. The slim 8-10m high streetlight opposite the site is the most noticeable vertical feature - other similar streetlights along Hale Road are unobtrusive against trees. Overall there is little significant vertical context to the street scene. There was also a noticeable lack of other equipment cabinets, litter bins and other street furniture, and there are no similar installations nearby.
10. At 16m high, the proposed monopole would be about twice the height of neighbouring telegraph pole and the streetlight on the opposite side of the road. Whilst described as 'slimline' in terms of telecommunications installations, the monopole would nonetheless be substantially thicker and bulkier than the other vertical structures and hence would be visually at odds with their prevailing size and scale. The monopole would also tower above the boundary hedge along Hale Road and as there is not a continuous tree screen along the boundary with Hale Road, it would be clearly visible from these properties and their gardens.

11. The site is located on the only parcel of grass verge and on the corner of Hale Road and Prospect Drive, a residential cul-de-sac, where people are slowing down or coming out of the junction, or pedestrians are stopping to cross. This would increase the presence and visual prominence of the installation. Due to the gentle curvature of Hale Road, the grass verge and appeal site are a noticeable landscape feature in the street scene. Hale Road was also well trafficked at the time of my visit. The monopole and the linear array of sizeable cabinets, some over 1.7m tall, would be unduly visible and prominent and detract from the street scene.
12. The row of cabinets would also add visual and physical clutter to the small grass verge on this prominent corner location, in an area with a noticeable lack of street clutter. In addition, part of the grass verge in front of the cabinets would be paved, reducing the landscaping on this corner and further detracting from the street scene. Changing the colour of the monopole and cabinets would not sufficiently mitigate against their visibility, size and scale in this predominantly residential area.
13. Drawing these points together, the siting and appearance of the proposal would be incongruous, obtrusive and visually dominant in the street scene and would cause significant harm to the character and appearance of the area. In so far as they are a material consideration, the proposal would be contrary to Local Plan Policy L7, which seeks to ensure development is appropriate in its context, makes best opportunities to improve the character and quality of the area, and enhances the street scene or character of the area. The Framework states that the telecommunications equipment should be sympathetically designed and camouflaged where appropriate. The proposal would not do this for the reasons already outlined above and would be contrary to the Framework's objective of achieving well designed places.
14. The cabinets may well be permitted development, but that does not alter my findings with regards to the harm caused by the monopole.

Alternative sites

15. For a new mast or base station the Framework requires the developer to submit evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure. According to the appellant, the cell search covers a densely packed residential area with no scope to put the mast outside of the constrained cell radius, and that the proposed location is the only viable option that minimises amenity issues. The appellant has considered and discounted some 8 sites D1-D8 which are shown in the appellant's Figure 6 and discussed in section 5 of their Appeal Statement.
16. The appellant's commentary on the discounted sites refers to 'Proposed site/Option 3' at Thorley Lane as being the proposed site. This is clearly not the case as the submitted plans show the proposed site is on the corner of Hale Road and Prospect Drive some distance away. This discrepancy brings into question the accuracy and relevance of the consideration and discounting of sites D1-D8 in relation to the actual appeal site on Hale Road.
17. Furthermore, the level of detail for the discounted options is also somewhat scant and there is a lack of a full or detailed justification for each. Some sites have been discounted due to their "proximity to residential properties". The appeal site is close to residential properties, but the appellant does not advise

what distance would be too close or why the appeal site is deemed acceptable in this regard. Nor is there any explanation as to what are 'highways health and safety concerns'.

18. I understand the Council asked the appellant to consider locating the development on the large grass verge opposite the appeal site, something a number of residents also suggest. The appellant's response was simply 'unfortunately not'. This scant response offers no justification.
19. I am therefore not satisfied that a thorough enough review of possible site options within the search area has been conducted. Nor am I satisfied that the submitted search assessment of alternative sites was accurate in relation to the actual appeal site or the reasons for discounting other sites are consistent when compared to the appeal site. This therefore makes it difficult to understand how or why the choice of the appeal site was arrived at.
20. Accordingly, the harm I have identified to the character and appearance of the area is not outweighed by the needs for the installation to be sited in the proposed location.

Other Matters

21. To meet health safeguards, 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). The Framework states that local planning authorities should not set health safeguards different from the ICNIRP guidelines. No sufficiently authoritative evidence has been provided to indicate the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
22. The appellant refers to the Council and Ward Councillors not responding to pre-application consultation and alternative site selection. The approach the parties take to such consultation is a matter for them and does not alter my findings with regard to the siting and appearance of the proposed installation. Reference to there being no comments from Epsom and Ewell Borough Council seems entirely reasonable in the circumstances as that Council is located in Surrey.
23. I am aware that there would be some social and economic benefits from the installation, but the GPDO is clear that the potential wider benefits should not be taken into account when considering siting and appearance.

Conclusion

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

K. Stephens
INSPECTOR