



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/22/3290516

Harboro Way, Ashton upon Mersey, Sale, Trafford M33 6QX

- 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 Trafford Metropolitan Borough Council.
 - The application Ref 104976/TEL/21, dated 13 June 2021, was refused by notice dated 26 August 2021.
 - The development proposed is a 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 Matters

2. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO') require the local planning authority and therefore the Secretary of State 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 this basis.
3. 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 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

4. 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

5. 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. The proposed installation would upgrade and improve network and

- coverage in the Ashton Upon Mersey and Sale area, most notably in relation to 5G services, where there is an acute need for a new mast.
6. I saw on my visit that Harboro Way is a well trafficked route in and out of Sale. It is a leafy road in a predominantly residential area of period properties. The appeal would form part of the pavement adjacent to an area of well-maintained landscaped open space, comprising mown grass, a number of trees and shrubs, and a bench. It is an attractive landscaped gap in the street scene that positively contributes to the character and appearance of the area. Residents also refer to the value the green space is to the local community.
 7. The proposal would involve the erection of a 15 metre high monopole with wrap-around cabinet at its base that would be sited at the back edge of the pavement. Between the monopole and the bench, 3 further cabinets would be sited in alignment. They would be of varying widths and heights.
 8. At 15m high, the proposed monopole would be almost as twice as high as the slim neighbouring streetlights either side of the open space. The monopole may be described as 'slimline' in terms of telecommunications installations, but it would nonetheless be substantially thicker and bulkier than the nearby vertical street furniture. There are limited vertical structures in the wider streetscape to provide any significant vertical context of this scale. The monopole would therefore be visually at odds with the prevailing size and scale of existing street furniture and would detract from the street scene.
 9. There is a bowling green to the rear of the open space and there are no trees along the shared boundary to provide a backdrop to the monopole. The effectiveness of the nearby trees at either end of the open space to provide meaningful screening from either direction would be limited. Due to the gentle curvature of the road and the site being adjacent to landscaped open space, the site is particularly prominent. The monopole would punctuate the skyline gap at a localised level and unduly dominate the open space.
 10. As some of the cabinets would be up to 1.75m tall, which is taller than some people, and would project into the pavement reducing its width, they would be particularly imposing to those walking past in close proximity, or even sitting on the bench particularly with the mast towering over them. Furthermore, the alignment of cabinets along the pavement edge would introduce street clutter in an area noticeably free of street furniture, and other equipment cabinets and telecommunication installations.
 11. The siting and appearance of the proposal would be incongruous, obtrusive and visually dominant in the street scene. Hence it would cause harm to the character and appearance of the area. In so far as they are a material consideration, the proposal would be contrary to Policy L7 of the Trafford Local Plan Core Strategy 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 also be contrary to the Framework's objective of achieving well designed places.

12. The appellant indicates that the cabinets would be permitted development without prior approval. That as it may, it does not alter my findings with regards to the harm caused by the monopole.

Alternative sites

13. 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 9 other sites, which are listed and described.
14. Two rooftop locations have been discounted on buildings along Washway Road due either to the height of the building or being too far away. However, the appellant includes sites that are further away but have not been discounted for being too distant. Washway Road is mixed in character with many more commercial sites and buildings, but there is little substantive evidence before me to suggest that more commercial sites are not within the cell search target area, or to indicate there are not potentially alternative locations. For some sites, the pavement is considered to be of insufficient width. However, I saw some sites had similar pavement widths to the appeal site. 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.
15. I find the level of detail for each alternative site is somewhat scant and the reasons for dismissing them lacks detailed justification. There is also a lack of consistency when comparing some of the alternative sites to the appeal site. This therefore makes it difficult to understand how or why the choice of the appeal site was arrived at. Hence, I am not satisfied that a thorough enough review of possible site options within the search area has been conducted.
16. 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

17. To meet health safeguards, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines for public exposure 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.
18. The appellant refers to a lack of Council and Ward Councillor response to pre-application consultation. That is a matter for the appellant to address with the Council and does not alter my findings with regard to the siting and appearance and the resultant detrimental impact on the character and appearance of the area.

19. 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

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

K Stephens
INSPECTOR