



Appeal Decision

Site visit made on 3 May 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 18 May 2022

Appeal Ref: APP/Q4245/W/21/3287292

Northenden Road, Sale Moor, Sale M33 3HE

- 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 CK Hutchison Networks (UK) Ltd against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 105704/TEL/21, dated 21 August 2021, was refused by notice dated 20 October 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 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 a 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works at Northenden Road, Sale Moor, Sale M33 3HE in accordance with the terms of the application, Ref 105704/TEL/21, dated 21 August 2021, and the plans submitted with it.

Preliminary Matters

2. 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.
3. 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 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 material considerations relevant to matters of siting and appearance.
4. 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.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area.

Reasons

6. The proposal would result in a 15 metre monopole and associated equipment cabinets being located on a grass verge on the western side of Northenden Road. The site is located in a 'Town and District Shopping Centre' as defined in the Trafford Local Plan Policies Map. Whilst there are some residential properties to the south it is situated in an area that is predominantly characterised by rows of two-storey commercial properties.
7. A single storey car wash building and a car park are situated to the western side of the appeal site, which provide this stretch of the highway with a relatively open feel. Nonetheless, on my site visit I observed that the immediate surroundings contain a range of existing street furniture including tall lighting columns, a telegraph pole, road signs, a bus stop and an advertisement totem sign for the car wash. Many of the existing streetlights in proximity to the appeal site, including those on nearby splitter islands and in the car park area, are in relatively exposed and open positions that are not screened by vegetation.
8. The Council has no objections to the proposed ground base equipment cabinets, and I have no reason to form a different view. I also recognise that the monopole would be greater in height than the existing vertical structures and despite its slimline design would be greater in thickness. However, the proposed equipment would be set back from the road and whilst the trees to the north would not fully conceal all of the proposed structure they would help filter views of it, even in the winter months from some directions.
9. It would also not appear as an intrusive feature from closer range when viewed in the context of the street furniture and other tall relatively exposed vertical structures in the street scene. As such I am of the view that the proposed monopole would not be alien or unexpected in such a context.
10. In light of the above, I find that the proposal would not appear overly dominant or visually intrusive, and that its siting and appearance would not cause harm to the character and appearance of the area. In so far as it is a material consideration, the proposal would thereby not conflict with Policy L7 of the Trafford Local Plan: Core Strategy 2012. Amongst other matters, this seeks high quality design in ensuring that development is appropriate in its context. It would also accord with paragraph 115 of the Framework which requires equipment to be sympathetically designed and camouflaged where appropriate. Consequently, I consider that the siting and appearance of the proposal would be acceptable.

Other Matters

11. Concerns have been raised by a local resident about potential effects of the proposal on health. 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.

Conditions

12. 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, 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

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

Mark Caine

INSPECTOR