



Appeal Decision

Site visit made on 13 September 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2022

Appeal Ref: APP/Q4245/W/22/3300449

Church Street, Broadheath, Trafford WA14 4DZ

- 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 Hutchison Networks (UK) Ltd against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 106579/TEL/21, dated 27 November 2021, was refused by notice dated 17 February 2022.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issues

2. As an electronic communications code operator, the appellant benefits from deemed planning permission for telecommunications development 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 GPDO). This is subject to the exclusions set out in paragraph A.1 and the conditions set out in paragraphs A.2 and A.3, including prior approval by the local planning authority by assessing 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. Within its first reason for refusal, the Council considered that the proposal would fail to accord with the exclusion set out in paragraph A.1(9)(c) as the proposed radio equipment housing would be located on Article 2(3) land (within the Old Market Place Conservation Area), would exceed 2.5 cubic metres and is not being carried out as an emergency. The Council also then went on to refuse the proposal based on its siting and appearance.
4. However, the inclusion of Article 2(3) land within paragraph A.1(9)(c) was revoked by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 No. 278 which came into force on 4th April 2022. It is important that I determine this appeal with regard to the GPDO in force at the date of my decision, not the date of the Council's decision.
5. Accordingly, the remaining main issues are the effect of the siting and appearance of the proposed installation on a) the living conditions of neighbouring occupiers, with regards to outlook, b) the character and

appearance of the area, including the significance of heritage assets, and c) 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.

Planning Policy

6. 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. I have nevertheless had regard to Policy L7 and R1 of the Trafford Local Plan: Core Strategy (January 2012) (the CS) and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

Reasons

7. The proposal would be installed on the grass verge adjacent to the north bound carriageway of Church Street. The appeal site is adjacent to a traffic information sign and there are other vertical features in close vicinity including street lighting columns and mature trees. There is a high stone wall running along the adjacent footpath, beyond which the rear gardens and residential properties of dwellings on Richmond Road are set at a higher level. The built form on the opposite side of Church Street comprises predominantly of three storey buildings.

Living Conditions

8. There are residential properties within close proximity to the appeal site, namely 28 and 30 Richmond Road. The mature trees and limited visibility of the built form along Church Street collectively contribute towards a leafy and spacious outlook for residents of Nos 28 and 30, despite the urban character of the locality.
9. The proposal would be sited at a lower level than Nos 28 and 30, given the considerable variations in topography between these properties, their gardens and Church Street. Despite this, and the dense, mature vegetation, a considerable amount of the proposal would nevertheless be readily apparent from the rear facing habitable room windows and gardens of Nos 28 and 30 due to the significant overall height and bulk of the monopole and antennas.
10. The proposal's offset positioning between both properties would fail to reduce its prominence. It would nevertheless appear as an overbearing and intrusive utilitarian addition which would diminish the outlook for occupiers, particularly in certain months of the year when the trees would not be in full leaf. The existing street lighting columns which are visible are shorter and more slender than the proposal thus are not obtrusive features.
11. By virtue of its siting and appearance, the proposal would cause unacceptable harm to the living conditions of neighbouring occupiers. In so far as they are material considerations, the proposal would be contrary to the aims of Policy L7 of the CS and paragraph 130 of the Framework of ensuring that developments do not result in harm the amenity of residents.

Character and Appearance

12. The appeal site is located within the Old Market Place Conservation Area (the OMPCA) whose significance is primarily derived from its medieval town layout and market town character created by buildings of high historic value and a consistent palette of materials.
13. The part of the OMPCA in which the appeal site is located becomes more modern in character as it is an important route into/out of Altrincham. Historic buildings and materials nevertheless remain key characteristics, along with a leafy and spacious character. These features, along with the grass verge and raised rear gardens of properties on Richmond Road, make a positive contribution to the OMPCA and the street scene.
14. The proposal would be a tall addition which would be visible in the street scene. It would nevertheless assimilate well into its built-up surroundings due to the presence of various features such as the existing street lighting columns, traffic board, high boundary wall with raised gardens and built form beyond and the tall building on the opposite side. The wide carriageway would remain the dominant feature. Even in winter months, the wide nature of the highway and existing features would ensure the proposal does not appear as an overly dominant feature. For these reasons, the proposal would have a neutral effect on the street scene and the special interest of the OMPCA.
15. The nearby public houses are identified as landmark buildings and there are various other heritage assets in the locality, including Grade II listed properties on Sandiway Road, the Sandiway Conservation Area and the Grade II listed St George's Church. The significance of each asset is predominantly experienced when up close and their settings are dominated by surrounding buildings, uses and the highway.
16. Various features such as the wide highway, tall mature trees and several intervening buildings separate the appeal site from each heritage asset. Even when the trees have lost their leaves, the proposal would not compete with them, particularly St George's Church, and notably its spire, as it would not be readily apparent by virtue of the generous separation between the sites. Therefore, the proposal would have a neutral effect on the setting of the heritage assets.
17. Taking all the above into consideration, the proposal would not result in harm to the character and appearance of the area and would preserve the significance of the OMPCA. In so far as they are material, the proposal would accord with Policies L7 and R1 of the CS and the Framework which seek to ensure that developments are appropriate in their context in terms of design and protect the historic environment.

Alternative Sites

18. Chapter 10 of the Framework supports the provision of high-quality communications, noting that advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing. Given the harm I have found to the living conditions of neighbouring occupiers, consideration must now be given to whether there are other suitable sites available.
19. The proposal would facilitate improvements to 5G coverage levels and network capacity in a dense locality with a variety of residential and commercial uses

and in which the evidence suggests is lacking in coverage. It would assist in bringing optimum telecommunications and mobile broadband in the area.

20. I note the alternative sites which were considered for the proposed development and the reasons why they were subsequently discounted, particularly the various heritage constraints within the cell search area. Despite this, and whilst the area surrounding the nominal is predominantly residential in nature, the wider locality and the area in which other options were considered has a strong urban character. There is variety in the uses and streetscape on the opposite side of Church Street and along the A560.
21. I am not therefore convinced that the search and assessment of alternative sites was sufficiently robust or exhaustive in order to demonstrate that there are no other realistic alternatives or sites which are less harmful than the appeal site.

Conclusion

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

H Ellison

INSPECTOR