



Appeal Decision

Site visit made on 20 September 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/V4250/W/22/3295022

Land at Holmes House Avenue, Highfield, Wigan, WN3 6EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Wigan Metropolitan Borough Council.
 - The application Ref A/21/92261/TCSO, dated 8 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is 15.0m phase 8 monopole with wraparound 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 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) for the siting and appearance of a 15.0m Phase 8 monopole with wraparound cabinet at base and associated ancillary works at Holmes House Avenue, Wigan, WN3 6EH in accordance with the terms of the application, Ref A/21/92261/TCSO, dated 8 August 2021, and the plans submitted with it, including the plans and specifications contained within Master Drawing no. WGN17015_M002 issue B.

Procedural Matters

2. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. The provisions of the GPDO require that applications for prior approval be assessed solely on the basis of siting and appearance, taking into account any representations received. I have assessed the appeal proposal on that basis.
3. The GPDO contains no requirement to have regard to the development plan, but relevant policies may be material considerations where relevant to matters of siting and appearance. The National Planning Policy Framework (the Framework) includes a section on supporting high quality communications, and is also a material consideration.
4. The adopted development plan for the area is the Wigan Local Plan Core Strategy 2013 (Local Plan). The Council has indicated which policies in the Local Plan it considers to be relevant to the proposal. Policy CP10 is concerned with design within the built environment, and so is relevant to matters of siting and appearance. Policy CP17, which relates to environmental protection,

requires that new development does not have an unacceptable adverse effect on amenity, so is relevant to consideration of siting.

5. Detailed advice contained in the Telecommunications Supplementary Planning Guidance note 2006 (SPG) is also a relevant consideration for this appeal.

Main Issues

6. The main issues are:

- i) the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and the living conditions of neighbouring occupiers, with particular regard to outlook.
- ii) 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 alternative sites.

Reasons

Character and appearance

7. The area surrounding the appeal site is suburban and predominately residential in character. However, there are a wider mix of uses in the immediate vicinity of the site, including the adjacent public house and a neighbourhood shopping precinct. These uses, with their associated car parks and signage, give the area around the appeal site a more commercial feel. The appeal site is also very close to two areas of public open space, with a small area of mature woodland directly opposite.
8. The proposed telecommunications equipment would be sited at the back of a wide section of pavement, facing the mini roundabout at the junction of Holmes House Avenue and Tan House Drive. Whilst these are minor roads, both are busy routes through the residential estate, lined with regular street lights and other highways infrastructure. An existing telecommunications mast is located along Tan House Drive, some 50m to the south of the appeal site.
9. The proposed 15m high monopole with associated cabinets would provide improved digital and mobile connectivity for the surrounding area, including 5G coverage, on behalf of Three UK. Aside from a single cabinet, there is currently no above ground telecommunications equipment at the site, so this would be a new installation.
10. From the area of Holmes House Avenue around the mini roundabout, including the houses on the opposite side of the road from the site, the proposed mast would be clearly visible, and would project well above the roofline of the adjacent pub. However, the horizontal form of the roof is broken up by different elements and rooftop equipment, giving it a somewhat incoherent appearance. The pub roof does not form a particularly prominent feature in the streetscene, and the equipment would be seen in the context of other vertical features very close by, including the nearby street lamp and the line of tall, mature trees to the rear.
11. By reducing the height from that originally proposed, the antennas would be lower and so arguably more noticeable in the streetscene. However, the antennas would be grouped in a compact, neat design around the head of the

slimline mast. Although it would be functional in appearance, the proposed mast would not be particularly unattractive.

12. Within the area immediately surrounding the site, the mast would be readily visible, but would not appear particularly obtrusive or out of place. Any harm to the character and appearance of the area would be modest.
13. From further away, the proposed installation would not be noticeable or prominent in the street scene, particularly during the summer months when the trees are in leaf. When approaching along Homes House Avenue from the A571 (Pemberton Road), the trees of Barton Wood would provide a significant amount of screening, and so the installation would not become obvious until close to the mini roundabout. Similarly, from Tan House Drive, the line of trees to the rear of the pub would effectively screen the proposed mast, so the mast would only be visible from close by.
14. Travelling along Holmes House Avenue from the south east, the top of the mast would be seen above the roof tops of intervening buildings, with the tall trees behind forming a backdrop. Given the existing commercial character of this part of the street, the mast would not appear out of place, and it would not be unduly prominent.
15. The SPG advises that, in areas of mixed commercial and residential use, monopole masts may be acceptable provided they are carefully sited and designed in relation to dwellings and the street scene. The proposed mast would be a new addition to the streetscene, but such installations are an increasingly common and expected sight within the urban environment. From many vantage points, the proposed mast would be well screened by existing tall trees, and would be seen in the context of surrounding commercial development and other vertical features.
16. Notwithstanding that, from the area immediately surrounding the site, the equipment would be clearly visible and would cause a modest amount of harm to the character and appearance of the area. As such, the proposal would not fully comply with the design requirements of Local Plan Policy CP10.

Living conditions

17. The installation would represent a change in outlook for the houses opposite, but the proposed mast would be a reasonable distance away, and would form part of a varied streetscene with many different elements, including the road and mini-roundabout, pub, trees, road signs and street lamps.
18. The mast would be clearly visible, but it would not be overly obtrusive or prominent from the front windows of nearby residences, and would not cause unacceptable harm to living conditions. As such, the proposal would be consistent with Local Plan Policy CP17, as it relates to amenity.

Alternative sites

19. The proposed equipment falls within the scope of permitted development, and as such the principle of the development, including the need for the facility, has already been accepted. However, I have found that, owing to its siting and appearance, the proposal would cause a modest amount of harm to the character and appearance of the area immediately around the site. It is

therefore necessary to consider whether other, less harmful, options may be available.

20. Paragraph 117 of the Framework requires that evidence is provided to justify the proposed development. In relation to a new mast, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. The appellant has confirmed that opportunities for sharing equipment with other operators have been investigated, but due to technological constraints a new mast is the only option available.
21. The proposal is needed to improve digital capacity and provide 5G services to the surrounding area, which has been identified as lacking in connectivity. The Area Coverage Map provided by the appellant shows that the target area is tightly defined, limited in extent, and predominately residential in character. Alternative locations for a new mast have been investigated, but most would be close to residential properties. Others have been discounted due to inadequate pavement width, or highway safety concerns.
22. The information provided on alternative sites lacks detail. However, given the residential nature of the target area, I am not convinced that alternative options in the locality would be significantly less harmful. In coming to this view, I have taken account of the characteristics of the appeal site, in particular the screening provided by nearby trees, and the commercial nature of the adjacent uses.

Other Matters

23. The appellant has provided a certificate to confirm that the equipment would not exceed the guidelines for public exposure set by the International Commission on Non-Ionizing Radiation Protection. As such, the proposal meets the requirements of Framework paragraph 117 in relation to public health.

Planning Balance

24. Paragraph 114 of the Framework advises that high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning decisions should support the expansion of electronic communications networks, including 5G mobile technology. Whilst I accept that there would be some harm to the character and appearance of the area, this would be limited in extent, and would not be unacceptable when balanced against the Framework's support for expansion of mobile communication networks, including the 5G network.
25. Overall, I conclude that the proposed siting and appearance would be acceptable.

Conditions

26. Class A of Part 16 of Schedule 2 of the GPDO imposes several conditions as standard. Unless otherwise agreed in writing, the proposal must be carried out in accordance with the details submitted with the application, and must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application. The equipment must 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.

27. Both parties have suggested a condition to control the colour of the installation, but the GPDO does not provide any specific authority for imposing additional conditions. I have therefore not considered this matter any further.

Conclusion

28. For the reasons set out, the appeal is allowed, and prior approval is granted.

R Morgan

INSPECTOR