



Appeal Decision

Site visit made on 25 October 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9th November 2022

Appeal Ref: APP/C4235/W/22/3302913

Manchester Road, The Four Heatons, Heaton Chapel, Stockport SK4 5DL

- 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 Hutchison Networks (UK) Ltd against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/085054, dated 13 April 2022, was refused by notice dated 14 June 2022.
 - The development proposed is the Proposed telecommunications installation: Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
-

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) for the siting and appearance of proposed telecommunications installation: proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Manchester Road, The Four Heatons, Heaton Chapel, Stockport SK4 5DL in accordance with the terms of the application Ref DC/085054 dated 13 April 2022, and the plans submitted with it.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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.

Planning Policy

3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 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, having regard to the non-designated heritage asset, 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 site is a footpath on Manchester Road. It is on the edge of the Heaton Chapel Shopping Area, with the surrounds allocated as a Predominantly Residential Area. As such, the surrounds feature commercial and residential properties, including the George and Dragon Public House across the road and a single storey funeral home directly adjacent to the site. A regular arrangement of streetlights lines Manchester Road with other elements of street furniture at the nearby School Lane junction, including traffic lights, railings and road traffic bollards. A telegraph pole on Cambridge Road is also visible from the site.
6. The proposed monopole would be taller than the immediate lower level buildings and some of the street furniture. It would be visible from nearby residential properties and, due to the straight nature of Manchester Road and the lack of screening of the site, long range views would be possible for pedestrians and vehicle users, particularly when travelling northwest. Although the appellant refers to tall, mature trees surrounding the site I did not observe any such trees on my visit.
7. Nevertheless, the monopole would remain a similar height to the streetlights, which are particularly prevalent along Manchester Road, and would sit among a variety of vertical structures. Viewed in this context, the proposal would not appear incongruous. While featuring a thicker pole than the streetlights, with exposed antenna at the top, it would overall remain a slimline addition that would not be so bulky as to appear disruptive. In addition, among the variety of nearby street furniture the proposed cabinets, while noticeable, would not appear out of place or read as unduly cluttered within the streetscape.
8. The George and Dragon Public House is a locally listed non-designated heritage asset, deriving its significance from the late nineteenth century architecture. Situated on a corner plot it is a prominent feature in the vicinity where, despite the variety of nearby architecture, its significance is still experienced. It is separated from neighbouring buildings by its car park and the presence of the road junction, allowing its traditional style and design to stand out among later surrounding additions.
9. The modern design of the proposal would appear somewhat at odds against the public house. However, located across the road the proposal would not be situated directly adjacent to the building, such that it would not mask or unduly disrupt views of it. Any views of the proposal from or alongside the public house would be experienced among the surrounding environment of varied property styles and designs, and vertical elements of street furniture. This would include the streetlights and traffic lights sited directly in front of the public house. In this context, the level of harm caused by the proposal to the significance of asset would be limited.
10. Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

11. Paragraph 114 of the Framework outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Furthermore, planning decisions should support the expansion of electronic communications networks. The appellant has demonstrated that the area surrounding the site does not have a 5G service which would be addressed by the proposal. It would enhance communication facilities to meet current and future demand as well as generating other socio-economic benefits. These benefits of the proposal are acknowledged and attract significant weight.
12. With regards to suitable alternatives the appellant has set out the sequential approach. It has identified the search area, which is constrained and largely made up of residential buildings, and has outlined that there is no scope to site the proposal outside of this area and still provide 5G coverage. Alternative locations for the siting of the proposal within the search area are assessed and discounted with reasonable justification. While the Council states that other possible locations were not investigated and surmises that a suitable alternative site probably exists, it does not offer any specifics on where this may be. Based on the substantive evidence before me, the appellant has adequately investigated alternative sites and concluded that no suitable alternative sites exist for the proposal.
13. I acknowledge the various economic and social benefits highlighted by the appellant. In addition, the absence of a suitable alternative site and the need for the installation to be sited as proposed weighs in favour of the scheme. In weighing the harm against the benefits and the need for the installation to be sited as proposed, I conclude that these would outweigh the limited harm that would be caused to the non-designated heritage asset and the character and appearance of the area.

Other Matters

14. Interested parties have raised concerns that the proposal would negatively impact highway safety and living conditions. However, I note that the Council did not raise any issue in these regards. The proposal would be set back from the pavement, away from the road, ensuring it would not disrupt the free flow of either pedestrians or vehicles. In addition, it would be sited among other vertical features so as to not unduly draw attention and create driver distraction. With regards to living conditions of nearby residents, although the proposal would be visible from certain properties, direct views of it would be limited. This, combined with the intervening distance from nearby properties and the surrounding context, would ensure that it does not unduly impact the outlook of occupiers of nearby dwellings.

Conditions

15. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the Local Planning Authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the Local Planning Authority received the application, and 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.
16. The main parties have further suggested that the colour of the proposal could be amended. However, the GPDO does not provide any authority for imposing additional

conditions beyond those within Class A of Part 16. It would not therefore be reasonable to impose such a condition.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

C Rafferty

INSPECTOR