



Appeal Decision

Site visit made on 8 November 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/P4225/W/22/3297226

Land at Hazelhurst Drive, Middleton, Rochdale, M24 6TP

- 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 Rochdale Metropolitan Borough Council.
 - The application Ref 21/01427/TELE, dated 26 September 2021, was refused by notice dated 12 November 2021.
 - The development proposed is 20.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The principle of the development has been accepted through Part 16 of the General Permitted Development Order (GPDO). The GPDO requires that the proposed development 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.

Planning Policy

3. The GPDO does not require regard to be had to the development plan, but policies may be material considerations where relevant to matters of siting and appearance. The adopted development plan for the area is the Rochdale Core Strategy 2016, and the Council has referred to Policies P1, P3 and DM1 in its decision notice. As these policies are concerned with high standards of design in all developments, they are relevant to considerations of siting and appearance.
4. The National Planning Policy Framework (the Framework) includes sections on supporting high quality communications and achieving well designed places. The Framework is also a material consideration.

Main Issues

5. 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

- 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

6. The proposed 20m high monopole and associated cabinets would be operated by Three UK. The installation would provide improved digital wireless and 5G mobile services to the Middleton area, which has been identified as lacking in coverage. The area surrounding the appeal site is suburban and low density in character. The predominate land use is residential, but St Anne's Academy is also very close, with one of its car parks immediately to the rear of the appeal site.
7. Hazelhurst Drive serves a large development of modern houses. The proposed equipment would be sited near to the entrance to the estate, close to its junction with Hollin Lane (A6046). This section of Hazelhurst Drive is fairly wide, with generous footpaths and verges. The adjacent roads, car park and areas of amenity space give an open character to the area, which is accentuated by the long distance views along Hollin Lane to the hills to the north.
8. The surrounding area is not particularly sensitive in visual terms, and could accommodate change. However, the equipment would be sited in a prominent, open location on Hazelhurst Drive. The proposed mast is described as a slimline pole, and has been designed to minimise visual intrusion. Nonetheless, it would be a very tall structure with a bulky headframe, and would appear as a highly conspicuous feature in the streetscene, which would rise well above the surrounding street furniture, vegetation and buildings.
9. The topography of the area is generally flat, but Hazelhurst Drive rises slightly towards the junction with Hollin Lane. The pavement on which the equipment would be sited is at a slightly higher level than the car park to the rear. This level difference would further accentuate the significant height of the proposed equipment in relation to surrounding features.
10. Trees and shrubs have been planted within and behind the verges on either side of Hazelhurst Drive, close to the junction with Hollin Lane. This vegetation would provide some screening for the proposed equipment, particularly when viewed from Hollin Lane. However, the screening would only be partial, as at around 7m in height, most of the trees are significantly lower than the proposed 20m high monopole.
11. The mast would be viewed in the context of the regularly spaced street lights which line both sides of the street, but these are narrow features and the proposed installation would be significantly wider. It would also be twice as tall. As a result, the proposal would appear out of scale with the surrounding street furniture and vegetation.
12. I note the appellant's comment that the proposed height is required to clear surrounding structure and achieve the required coverage, and that the closest houses would be some way away. Nonetheless, for people travelling along Hazelhurst Drive, the proposed mast and cabinets would appear overly prominent and obtrusive, particularly for users of the pavement on which it

would be sited. The lack of nearby tall features to screen the mast would also mean that it would also be visible from some distance away, from both Hazelhurst Drive and Hollin Lane.

13. For the above reasons, I conclude that the siting and appearance of the proposed equipment would result in harm to the character and appearance of the area.
14. Core Strategy Policy P1 is concerned with improving image through high quality design, particularly in local gateways to communities. The entrance to Hazelhurst Drive provides such a gateway, and the proposal would not reflect the objective of the policy.

Alternative sites

15. 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 the proposal would cause harm to the character and appearance of the area. It is therefore necessary to consider whether other, less harmful, options may be available.
16. Paragraph 117 of the Framework requires that information 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. In this case, the appellant has confirmed that there are no opportunities for site sharing in the area, and that a new mast is therefore required. I have no reason to doubt this conclusion.
17. The appellant has stated that the target coverage area includes the Middleton area, and that following a previous refusal of prior approval, the siting of the proposed equipment has been moved around 500m to the north, to a location further away from sensitive receptors. However, the Area Coverage Map, shown in figure 5 of the appeal statement, appears to relate to the previous, refused scheme, some 500m away.
18. I appreciate that the equipment would need to be sited within a constrained geographical area, but the lack of updated information for the appeal scheme makes it difficult to assess the location of potential alternative sites. Whilst the target coverage area may be the same as for the previously refused application, the extent of the cell search area is unclear from the information provided.
19. A number of discounted options are listed, all of which are some distance to the south of the site, but the reasons for discounting the sites are vague. No alternative sites closer to the appeal site appear to have been assessed. I acknowledge that the surrounding area is predominately residential, but there are nearby car parks and other areas of open space which may offer alternatives to the appeal site, which do not appear to have been considered.
20. Overall, on the basis of the information provided, I am unconvinced that there are no other locations available to site the equipment, which might have a lesser impact on the character and appearance of the area.

Other Matters

21. As part of the application 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.
22. The appellant has made reference to various social and economic benefits of the proposal. However, as consideration of this proposal is restricted to matters of siting and appearance, I have not taken these into account.

Conclusion

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

R. Morgan

INSPECTOR