



Appeal Decision

Site visit made on 10 November 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/Q4245/W/22/3299877

Land off Washway Road SW, Washway Road, Brooklands, Trafford, Sale M33 4RU

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison 3G UK Limited against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 106252/TEL/21, dated 29 October 2021, was refused by notice dated 21 December 2021.
 - The development proposed is the installation of an 18m monopole tower and associated radio-equipment, including one that will wrap around the base of the mast.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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.
3. 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 had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are:
 - the effect of the siting and appearance of the proposal on (i) the character and appearance of the area; (ii) the living conditions of occupiers of nearby residential properties with particular regard to outlook; and
 - if any harm is identified, whether it would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Background

5. The appeal follows a decision by the Council not to give their approval for the siting or external appearance of a development that would otherwise be permitted under Schedule 2, Part 16, Class A, of the GPDO. The permission granted under the GPDO is equal to an outline planning permission and the consideration of the proposed development is limited to its siting and appearance, not the principle of the development.

Siting and Appearance

6. The appeal site forms part of the footpath on the south-east side of Washway Road, a main arterial road which runs from Altrincham to Sale. The site is located immediately adjacent to a stone wall with an area of mature trees a short distance to the south. The surrounding area is predominately residential in nature, including Beechfield Close apartments a short distance to the east and a row of detached dwellings on the opposite side of Washway Road. Several mature trees are also sited along the footpath which contribute to the softening of the surrounding built environment and give the area a verdant character.
7. Whilst there are vertical features nearby, including streetlights, telegraph poles and road signs in the vicinity of the appeal site, these are typically slimline in design and of modest height. The proposed monopole would be significantly taller, bulkier, and more prominent than these existing features, as well as being substantially taller than other surrounding built form which are predominately two storey dwellings and apartments. Particularly when combined with the associated radio-equipment cabinets, the proposed development would appear overly dominant and at odds with the prevailing size and scale of the existing street furniture.
8. The group of mature trees located behind the adjacent stone wall to the south-east of the appeal site, as well as trees periodically spaced along nearby footpaths would provide an element of screening of the proposed development when travelling in either direction along Washway Road. However, their effect would be limited due to the overall height of the proposed monopole which would project above the top of the trees. It was also apparent from my site visit that several of the nearby trees are deciduous and would lose their leaves during the winter months, further reducing the effectiveness of any screening provided. As a result, the proposed development would appear visually intrusive and overly prominent within the street scene.
9. It is acknowledged that the proposed monopole and cabinets have been designed to be installed adjacent to public roads, and that the proposed external colour of the monopole and associated cabinets have been chosen to assist with their assimilation into the street scene. Notwithstanding these mitigating factors, the pole would still be a prominent and incongruous feature when seen from certain viewpoints, and its siting and appearance would be harmful to the character and appearance of the streetscene and surrounding area.
10. Accordingly, having regard to its siting and appearance, the proposed development would cause harm to the character and appearance of the area.

In so far as they are a material consideration, the proposal would be contrary to Policy L7 of the Trafford Local Plan: Core Strategy (adopted January 2012) (CS) and guidance contained within Supplementary Planning Document 2: A56 Corridor Development Guidelines (adopted March 2007). These seek, among other matters, to ensure that developments enhance the street scene or character and appearance of the area.

Living Conditions

11. There are several residential properties within close proximity of the appeal site, with the nearest being a two-storey block of apartments located a short distance to the east on Beechfield Close. Whilst the windows of these apartments would not directly face the proposed development, it would be situated immediately adjacent to an area of shared outdoor amenity space to the rear of the apartments which comprises a small and secluded grassed area.
12. Although the lower part of the monopole would be largely screened by the existing trees and vegetation which exist along the boundary with the appeal site, due to its considerable height a large part of the monopole including its associated antennas would remain readily visible from the outdoor amenity space to the rear of the nearby residential apartments.
13. The partial screening afforded would therefore fail to reduce the prominence of the proposed development. Consequently, by virtue of its height, bulk, and proximity the proposed monopole would appear as an overbearing and intrusive feature when viewed from the external amenity space of the nearby residential properties, causing unacceptable harm to the outlook of occupants.
14. The proposed development would cause unacceptable harm to the living conditions of occupiers of nearby residential properties with regards to outlook and would conflict with Policy L7 of the CS. Amongst other matters, this policy seeks to ensure that developments do not prejudice the amenity of occupants of adjacent properties.

Alternative Sites

15. Where harm has been identified in terms of siting and appearance, paragraph 117 c) of the National Planning Policy Framework (the Framework) states that for a new mast or base station the developer is required to submit evidence that they have explored the possibility of erecting antennas on an existing building, mast, or other structure. I note the appellant's argument that the cell search area is small with options limited, and that the proposed location is the most viable option. The appellant has considered and discounted a number of other sites, which are listed and described.
16. The appellant states that no opportunities for mast or site sharing were identified, with no existing buildings or structures identified within the cell search area which would be capable of housing the installation. No information however has been provided detailing which existing buildings or structures were looked at, with the discounted sites appearing to be at ground level.
17. Furthermore, the level of detail for the discounted options is somewhat limited with a lack of justification for each discounted site. A number have been discounted due to 'overhead wires' or 'street furniture'. The appellant however does not advise why these discounted sites would be more harmful than the appeal site, nor is any explanation given why the proposed installation could

not be moved further away from existing features such as street furniture and overhead wires and therefore overcome those concerns.

18. I am therefore not convinced that the search and assessment of alternative sites was sufficiently thorough or robust in order to demonstrate that there are no realistic alternatives or sites which are less harmful than the appeal site. Moreover, the level of detail for those sites which the appellant did explore and discounted is somewhat vague and without robust justification. As a result, the harm I have identified to the character and appearance of the area and to the living conditions of neighbouring residents would not be outweighed by the argument for installing the development on the appeal site.

Other Matters

19. In order to meet health safeguards, 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). The Council however questions whether the submitted document is sufficient and provides the necessary confirmation. In these circumstances, the Framework advises that health safeguards are not something which a decision maker should determine. In any event, as I have found against the appellant on the main issues, and therefore prior approval is to be refused, these matters need not be considered any further.
20. A neighbour consultation response was received in support of the proposal, which included reference to how the proposed monopole would improve the services offered by 5G within the locality. Whilst I acknowledge the benefits that improved coverage would bring to service users in the local area, these modest benefits would not outweigh the harm identified.
21. The appellant refers to a lack of response by the Council to pre-application consultation. Whilst the Council confirms that a chargeable pre-application service is available, it disputes the appellant's version of events and states that a 'pre-application enquiry and relevant fee' was not received. In any event, that is a matter for the appellant to address with the Council and it does not alter my findings with regard to the siting and appearance and the resultant harm to the character and appearance of the area and the living conditions of occupiers of nearby residential properties

Planning Balance and Overall Conclusion

22. Paragraph 114 of the Framework supports the expansion of electronic communications networks, including next generation mobile technology. There would be social and economic benefits from the proposal in these regards, which would facilitate the provision of 5G communications, help the delivery of economic growth, as well as enhancing local facilities and services via better connectivity and communication. I attribute moderate weight to these benefits.
23. However, these benefits are outweighed by the harm I have identified above to the character and appearance of the area and the living conditions of nearby residential properties, to which I attribute considerable weight. In addition, the lack of a robust alternative site search has failed to demonstrate the need for the installation to be sited as proposed and that the benefits could not be achieved in a less harmful location.

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

David Jones

INSPECTOR