



## Appeal Decision

Site visit made on 6 December 2022

**by G Bayliss BA (Hons) MA MA MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> January 2023**

---

**Appeal Ref: APP/P4225/W/22/3299882**

**Land off Gloucester Road, Gloucester Road, Middleton, Manchester  
M24 1HT**

- 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) Ltd against the decision of Rochdale Metropolitan Borough Council.
  - The application Ref 22/00064/TELE, dated 12 January 2022, was refused by notice dated 14 March 2022.
  - The development proposed is described as the installation of a new 16m monopole tower to support antennae, associated radio-equipment housing and ancillary development.
- 

### 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 be had to the development plan. I have had regard to the policies of the Rochdale Adopted Core Strategy (2016) (CS) 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 proposed development on the character and appearance of the area. If any harm would occur, whether this would be outweighed by the need for the development to be sited as proposed having regard to the potential availability of alternative sites.

## Reasons

5. The appeal site is an area of grass verge close to the junction of Gloucester Road and Kingsway. The area is residential in character and in the immediate vicinity of the site the dwellings are predominantly two storeys in height. On the northern side of Kingsway is a linear row of dwellings but on the southern side the appeal site forms part of a large, grassed area which is free from built form and has a verdant and sylvan character due to numerous mature trees and shrubs. The trees also form a soft edge along the pavement. The grassed area makes a positive contribution to the character of the residential estate and is prominently viewed from the surrounding roads and is crossed by several footpaths.
6. Kingsway is a main route through the estate, and it is a relatively straight road which makes the appeal site highly visible on the approach from both directions. There are many existing streetlights near to the appeal site. However, although these vertical structures are common in the street scene they have regularity in height, spacing and siting. With the exception of the streetlights there are no tall street signs in the immediate area and there is little visual clutter from street furniture.
7. The proposed monopole would be 16m in height, stated to be the minimum height to bring the benefits of 5G in the area. The structure, which would accommodate an exposed antennae towards the top, would be noticeably different within this grassed area which is free of buildings, and it would be located on an open corner, close to the road junction and forward of most of the surrounding trees. It is recognised that some of the trees would be of a comparable height to the proposed monopole, but its design and appearance would contrast with the trees, and it would appear an overtly modern and conspicuous feature. The trees may offer some screening of the proposed development, but this would be limited given the spacing of the trees and their varied size, and when the trees are not in leaf there would be little screening effect.
8. The proposed green colour treatment would assist with its assimilation with the surrounding vegetation. However, the green colour would only assist with screening whilst the surrounding trees are in leaf and for much of the year the darker colour of the monopole against the sky would exacerbate its prominence.
9. The height of the proposal would be significantly taller than the existing streetlights and would be greater in thickness and a noticeably different shape. It would appear alien and unexpected in such a context and would interrupt the regular rhythm of spacing between the existing streetlights. The presence of street furniture, such as the existing nearby bus shelter and low equipment cabins adjacent to the proposal, would not result in the proposal appearing compatible.
10. Despite the presence of nearby trees and the streetlights, the proposed monopole would be close to the corner of the road junction and would be highly visible from the surrounding residential area, especially from longer range views from the east along Kingsway and from the south along Gloucester Road, as well as more general views across the grassed area. In these views the disparate scale in relation to the surrounding dwellings would also be very apparent.

11. I recognise that the appeal site is not within a Conservation Area or is subject to any environmental designations. I appreciate also that efforts have been made to keep the monopole away from the front of residential properties, it would not interfere with pedestrians using the pavement and that it is designed to fit alongside street furniture, including lamp posts, and the cabinets are typical of the control boxes nearby. However, the proposed siting and colour treatment of the monopole would not successfully mitigate the impact of the height and appearance of the structure and it would stand out as an incongruous, dominant and alien feature in this verdant and sylvan, grassed area. The visual harm would be exacerbated by the proliferation of cabinets proposed at its base which would be unscreened and cause visual clutter. The siting and appearance of the proposal would therefore result in unacceptable harm to the character and appearance of the area.
12. Insofar as they are a material consideration, the proposal would conflict with CS Policies P1, P3 and DM1, which seek to achieve high standards of design and to minimise the impact on visual amenity. It would also conflict with Paragraph 130 of the Framework which seeks to achieve well-designed places.
13. Paragraph 115 of the Framework states that the number of communications masts and sites for such installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It encourages the use of existing masts, buildings and other structures.
14. The appellant has investigated alternative sites as required by Paragraph 117 of the Framework and discounted them, in summary due to pavements being too narrow, proximity to buried services and substations, overhead power lines and the proximity to schools. However, there is very little detail about the cell search area and there is no adequate information to identify exactly where the alternative sites would be. Even if all such locations were considered and discounted on the grounds of unreasonable constraints, substantive evidence in this regard should have been provided.
15. I appreciate that the search area for the proposed development is constrained and that its residential character further restricts potential sites. The need to find a suitable location within the cell search area also weighs in favour of the appeal. However, I am in no doubt that the proposal would be harmful to the character and appearance of the area. The submitted evidence is not sufficiently clear or persuasive to support the discounting of the alternative sites or to explain why these were the only possible locations within the search area.

### **Other Matters**

16. I acknowledge the benefits that the proposal would provide with regard to greater 5G coverage and various other social and economic benefits. However, these may also arise from alternative sites and so, given my findings above, I give these matters only limited weight.
17. I note that the appellant consulted with stakeholders, including the Council, at pre-application stage. Although no responses were received at that time, it is not a matter that weighs in favour of the scheme.

**Conclusion**

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

*G Bayliss*

INSPECTOR