



Appeal Decision

Site visit made on 6 December 2022

by A Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/Q4245/W/22/3299879

Land at junction of Shaftesbury Avenue and Stockport Road, Timperley, Altrincham WA15 7LY

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Hutchison 3G (UK) Limited against the decision of Trafford Council.
 - The application Ref 106200/TEL/21, dated 22 October 2021, was refused by notice dated 15 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.

Preliminary Matters

2. Amendments to Schedule 2, Part 16, Class A of the GPDO came into force on 4 April 2022. The content of these changes has been considered but in light of the facts in this case it does not alter my assessment of the proposal.
3. The provisions of the GPDO 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.
4. The Council has referred to a development plan policy in its decision notice. However, 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. As such 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 material considerations relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area 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

Character and Appearance

6. The appeal site lies on the edge of a triangular parcel of open space adjacent to Shaftesbury Avenue, at a signalised junction. The grassed area contains a number of trees and is separated from Shaftesbury Avenue by a footway, cycle path and grass verge. Because of the verdant character of the space at the conjunction of several roads, it provides an area of prominent and pleasing visual relief within this urban setting. Residential properties overlook the open space and a row of commercial properties lie on the opposite side of Shaftesbury Avenue.
7. The proposed monopole would sit alongside a main road with other vertical structures such as streetlights and traffic signs. However, whilst the streetlights are tall, they are regularly spaced, slender and have a rhythm that compliments the wide, spacious feel to the street. The street signage and buildings are considerably lower than the proposed monopole. The trees and landscaping on this triangle and the one adjacent soften the area. In this context the height, colour and bulk of the proposal would be discordant and conspicuous from several directions and roads.
8. I recognise the trees within the grassed area, along with the trees in the garden of 1 Shaftesbury Avenue, would provide some screening from closer vantage points and act as a low-level backdrop to the equipment, although this would be reduced during the winter months when not in full leaf. Nevertheless, the monopole would be visible above the adjacent tree canopies, particularly when viewed in the skyline from the long straight and descending A560 from the east and would starkly contrast with the domestic scale and appearance of development in the area.
9. In addition, the cumulative presence of the equipment cabinets and paving slabs would add bulk to the proposal and undermine the softening effect of the greenery in the street scene. Although the appellant points out the site is not affected by any heritage designation, the area still has qualities that are worthy of protection from unsuitable siting and appearance of the proposal. Taking the above factors into account, I consider the proposal would detract from the positive natural qualities of this part of Shaftesbury Avenue to the detriment of the character and appearance of the area.

Alternative sites

10. Paragraph 117 of the Framework¹ states, among other things, that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by necessary evidence to justify the proposal. Where this is in relation to a new mast or base station, this evidence should include that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
11. The sequential approach undertaken by the appellant identified a number of alternative sites. However, no map of these sites has been provided. The level of information for each ground-based site discounted is extremely limited with a vague justification for discounting each site. The appellant's statement also refers to one option put forward during the site search process, but no map or

¹ National Planning Policy Framework

further information has been provided about this site. Whilst I recognise that the majority of buildings in the locality are of only 2-3 storeys, no indication of which existing structures or rooftops in the search area were considered. I am therefore not persuaded from the available evidence that the location chosen is necessarily the least harmful in terms of its visual effects. Furthermore, I cannot be certain that the harm would be equivalent or worse on a site elsewhere.

12. I acknowledge that, as with all 5G cells, the relevant search area would be constrained and that in this case, the designated search area would cover a largely residential area. Nonetheless, at my site visit, I saw potential for alternative locations close to the junction of Shaftesbury Avenue/Stockport Road/Wood Lane/Moss Lane that may be suitable.
13. On the information before me and from my site visit, the evidence does not convincingly demonstrate that a thorough review of possible options within the cell search area has been carried out or that the appellant has adequately explored whether there may be less harmful alternative sites.

Conclusion

14. The government is committed to supporting the deployment of next-generation mobile infrastructure. This is generally reflected in both the Framework and the Trafford Local Plan Core Strategy 2012. In this regard, whilst I recognise the general social and economic benefits, those benefits have effectively been recognised by the grant of permitted development rights in the GPDO. Hence, they do not carry additional weight when considering matters of siting and appearance as part of the prior approval process. Moreover, the absence of any other harm does not alter the harm I have identified in the main issues.
15. To conclude, the siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the area. Moreover, it has not been demonstrated that this harm is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.
16. For the reasons given above, the appeal should be dismissed.

A Veevers

INSPECTOR