

Appeal Decision

Site visit made on 3 January 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2023

Appeal Ref: APP/G4240/W/22/3305236

Lewis Road, Droylsden, Tameside M43 6JB

- 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 appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/00540/NCD, dated 23 May 2022, was refused by notice dated 20 July 2022.
 - The development proposed is described as 'Proposed telecommunications installation: Proposed 15.0m Phase 8 Monopole c/w wrapround Cabinet at base and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Schedule 2, Part 16, Class A require the local planning authority to assess the proposed development solely on the basis of its siting and appearance. My determination of this appeal has been made on the same basis.
3. The Council has referred to development plan policies 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 be had to the development plan. I have nonetheless had regard to the development plan policies 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 the character and appearance of the area and, if any harm would occur, whether this would be outweighed by the need to site the installation in the proposed location, having regard to the availability of alternative sites.

Reasons

Character and appearance

5. The appeal site is a section of the footway on the eastern side of Lewis Road adjacent to the Haddon Hall Hotel, a single storey public house close to the junction with North Road and Haddon Hall Road. There is a parade of shops

opposite the site on the southern side of North Road. The surrounding area is otherwise predominantly residential and is characterised by two storey semi-detached properties. The Haddon Hall Hotel is set well back from the roadside which with the surrounding car park results in an open character to this stretch of Lewis Road. There are numerous street lighting columns and telegraph poles along Lewis Road and surrounding roads.

6. The proposed monopole would rise to a height of 15m. Whilst a slimline pole has been specified, given its significant height, and without any concealment of the antennas, the proposal would be of utilitarian appearance which would be at odds with the prevailing residential character of the area. The monopole would be significantly taller than nearby street lighting columns and telegraph poles. It would also be noticeably higher than nearby buildings. The width of the monopole and the antennas would also be wider than nearby street lights.
7. I accept that the proposed monopole must be of sufficient height to provide the required coverage. I also acknowledge that the site is not within a conservation area or other protected area, or close to listed buildings. However, given its height, width, utilitarian appearance and siting, the monopole would be a conspicuous and bulky feature which would appear as a dominant and incongruous feature in an area characterised by low rise buildings, and overly prominent within its setting, particularly when viewed from Lewis Road.
8. The proposal would include a wraparound cabinet at the base of the monopole and three additional ground based equipment cabinets alongside it. Whilst the cabinets would introduce street clutter on a stretch of pavement currently free of street furniture, these would have a much lesser impact on the character and appearance of the area due to their limited number and size.
9. Although the appellant refers to screening afforded by trees, there are no nearby mature trees that would provide adequate screening of the proposal. The appellant indicates that the colour of the proposal can be specified as deemed appropriate, however this would not sufficiently mitigate the adverse impact of the proposed monopole, which would arise chiefly as a result of its siting, scale and utilitarian design and appearance.
10. For the above reasons, I conclude that the siting and appearance of the proposal would be significantly harmful to the character and appearance of the surrounding area. I have taken into account Policies C1 and U2 of the Tameside Unitary Development Plan (2004), which, amongst other things, seek to ensure that development conserves and enhances the built environment, and that the siting and appearance of apparatus has been designed to minimise its visual impact. Given my conclusion on this main issue, the proposal would conflict with these policies as well as with paragraphs 130 and 134 the National Planning Policy Framework (the Framework), including in requiring development to be sympathetic to local character and well designed.

Alternative sites

11. Applications for telecommunications development should be supported with the necessary evidence to justify the proposal in accordance with paragraph 117 of the Framework. The appellant has followed a sequential approach to site selection. It is stated there are no suitable buildings or site sharing opportunities within the intended cell area that would be capable of accommodating the proposed installation.

12. A number of alternative sites were considered and subsequently discounted, but the information before me is limited to a map of the cell search area and a brief explanation as to why each of the alternative sites is unsuitable. The main reasons for discounting the alternatives include reference in vague terms to the presence of overhead pylon wires; insufficient pavement width; proximity to residential properties; and visibility splay issues. There is little detail on how the search for alternative sites was carried out or how sites were selected for further consideration. Consequently, the assessment of alternative sites lacks sufficient detail, and the scheme before me is also close to residential properties. No substantive evidence has been provided to show that adverse impacts would take place or that locations within the identified alternative sites could not host an installation.
13. I accept that the search area is highly constrained. However, on the basis of the evidence before me, I have insufficient evidence before me to be satisfied that the appeal site represents the least harmful option available in the area to meet the additional coverage and capacity requirements and so secure the same public benefits.

Other Matters

14. Concerns have been raised by interested parties about the potential effects on health and devaluation of nearby properties. The appellant has provided a certificate which confirms that the proposal has been designed to conform with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards different from the International Commission guidelines for public exposure should not be set. There is no substantive evidence before me to demonstrate that the ICNIRP guidelines would not be complied with, or that a departure from the Framework is justified. No substantive evidence has been provided in respect of the possible devaluation of nearby properties.

Planning Balance and Conclusion

15. Framework paragraph 114 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. I have had regard to the benefits of the proposal, including its contribution to the delivery of sustainability and an upgrade to digital telecommunications allowing for additional coverage and capacity, including the introduction of 5G technology to the area. This weighs in the proposal's favour.
16. However, on the basis of the evidence before me it has not been demonstrated that the appeal site is the best available option for minimising the effect of the development. Therefore, notwithstanding the need for the proposed installation, and the benefits which would arise from it, the harm to the character and appearance of the area would not be outweighed by the need to site the installation in the location proposed. The appeal is therefore dismissed.

M Ollerenshaw

INSPECTOR