



Appeal Decision

Site visit made on 6 March 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 20 March 2023

Appeal Ref: APP/B4215/W/22/3309845

Carill Avenue, Harpurhey, Manchester M9 4FT

- 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 Hutchinson 3G UK Limited against the decision of Manchester City Council.
 - The application Ref 133709/TEL/2022, dated 6 May 2022, was refused by notice dated 29 June 2022.
 - The development proposed is the installation of a 15m high telecommunications monopole tower to support antenna, associated radio-equipment housing and ancillary development.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the siting and appearance of the installation of a 15m high telecommunications monopole tower to support antenna, associated radio-equipment housing and ancillary development thereto on Carill Avenue, Harpurhey, Manchester M9 4FT in accordance with the terms of the application, Ref 133709/TEL/2022, dated 6 May 2022, and the plans submitted with it.

Main Issue

2. The main issue in this appeal is the effect of the siting and appearance of the proposed development on the character and appearance of the area and whether any harm caused is outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

3. The National Planning Policy Framework (the Framework) is in principle supportive of the development of communications infrastructure. However, each application must be assessed in terms of its impact and merits.
4. Reference to policies of the development plan have been made by the Council in relation to the main issue. The principle of development in prior approval applications though is established through the grant of permission by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), subject to any relevant exception, limitation or condition specified in Schedule 2. As a result, such policies are only relevant as far as they set out material which assists in assessing the effect of the siting and appearance of the proposed telecommunications development on character and appearance. In this case therefore policy DC17.1 of the Unitary Development Plan

for the City of Manchester (UDP) is the most relevant, as far as it explains that telecommunications development will normally be approved if it is sited and designed to minimise its impact.

5. Carill Avenue is initially characterised by two storey housing set close to the road before the street opens out on its western side as the parkland of Boggart Hole Clough Park is encountered. The proposed development would be located towards the rear of the pavement in front of the park at the point at which trees give way to open grassland.
6. The monopole would be 15m in height and the absence of a shroud to the antennae would have the effect of reducing the mass of the upper part of the pole. With the adjacent trees within the park forming a backdrop to the grey monopole and equipment cabinets, in views from Lentmead Drive, directly opposite the pole, the scale and utilitarian appearance of the proposed development would be suitably softened.
7. On the approach along Carill Avenue from the south and north, and within the adjacent limited area of open grassland within the park, the monopole would be visible in longer distance views and more prominent. At approximately twice the height of houses along the street, and at more than twice the height of lamp posts, its tall height would not be in scale with the residential character of the Avenue and verdant nature of the park. Given its slim dimensions though the resulting adverse impacts of the monopole on the street and park scenes would be limited and insufficient to cause significant harm. Moreover, the pole would be sited in the position on the Avenue where it is least visible to residents from within their homes. As a result, the adverse effect on views from within these homes and related amenity would be small.
8. The appellant has clearly demonstrated the need for the proposed development in order to provide effective 3G, 4G and 5G coverage of the area. The appellant has also set out what alternative sites were considered and the reasons why they were not pursued. Some sites had insufficient space to accommodate the pole and equipment due to buried services. Others were too close to overhead lines and so would have been unsafe, or were too close to existing development such as another telecommunications site or a school.
9. In accordance with the Framework, the applicant consulted local councillors and local schools regarding the proposed development. Only the local councillors responded and their objections, together with those received from others at application and appeal stage, have been taken into account in the determination of this appeal.
10. Concerns regarding health effects have been raised. To address such concerns, the Framework advises that a statement that self-certifies that the proposed development meets the International Commission guidelines on non-ionising radiation protection should be provided. As this has occurred, and no substantive evidence has been submitted indicating otherwise, the proposed development is acceptable in terms of health.
11. Taking all these matters into account, I therefore conclude that the siting and appearance of the proposed development would have a limited adverse effect on the character and appearance of the area. Given the operational needs for such a

mast in the locality and lack of alternative locations this could not be overcome by siting it elsewhere. Moreover, given the limited harm that I have identified, measures such as camouflaging would not be appropriate in this instance. Accordingly, in relation to siting and appearance, the proposed development would comply with the objectives of policy DC17.1 of the UDP.

Other matters

12. Boggart Hole Clough is a Grade 2 Site of Biological Importance. However, as the proposed development would be located on the pavement it would not be located within the park and there is no substantive evidence before me that it would have an adverse effect on wildlife or the ecological value of the park.
13. Other matters, such as the effect of the proposed development on house prices and construction noise, have been raised. As I earlier noted though, the principle of development has been established by Article 3(1) of the GPDO, and none of these matters fall within the exceptions, limitations or conditions specified in Schedule 2. Consequently, they are not material to the determination of this appeal.

Conclusion

14. I conclude that the limited adverse impact caused by the siting and appearance of the monopole, and associated equipment, on the character and appearance of the area would be outweighed by the need to develop the network and the absence of suitable alternative sites. The appeal should therefore be allowed.
15. The Council has suggested a condition listing the plans that the development should be carried out in accordance with. However, as this matter is dealt with by the wording of the decision such a condition is unnecessary, and I have not attached it.

Ian Radcliffe

Inspector