



Appeal Decision

Site visit made on 20 March 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2023

Appeal Ref: APP/C4235/W/22/3310166

Macclesfield Road, Hazel Grove, Stockport SK7 6BE

- 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 CK Hutchison Networks (UK) Limited against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/086341, dated 25 August 2022, was refused by notice dated 18 October 2022.
 - The development proposed is described as a 5G 17m telecoms installation: H3G street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice states the first part of the site address as 'Mobile Phone Mast, Macclesfield Road, Hazel Grove'. The application form states it as 'Macclesfield Road Street Works', and the appeal form states it as 'Area of Footpath, Macclesfield Road, Fiveways Hazel Grove.' Within the banner heading above I have not included reference to street works or mobile phone mast as these are descriptions of the proposal, and the site is not solely a footpath so I have excluded this aspect.
3. 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.
4. The Council's decision notice refers to policies of the Stockport Core Strategy DPD ('the Core Strategy') (2011), the Radio Telecommunication Development Supplementary Planning Guidance (RTD SPG) (2003), and the National Planning Policy Framework ('the Framework') (2021). The principle of development is established by the GPDO, and its provisions do not require regard to be had to the development plan or the Framework. Nevertheless, such policies and guidance are material considerations where they relate to issues of siting and appearance.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on:
- the character and appearance of the area;
 - the living conditions of occupiers of adjacent properties with particular regard to outlook;
 - highway safety; and
 - if any harm is identified, whether this would be 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 comprises part of a shared pedestrian and cycle way alongside Macclesfield Road, a heavily trafficked route on the strategic highway network. It lies in front of a short terraced parade, comprising ground floor shops and services with 2 storeys of residential above. 3 street trees and cycle stands are set in a line with the effect of partially separating the shared space from the parade's forecourt. A bus stop and public house car park are situated to the north. The junction has a low-rise commercial character, set within a wider suburban area, with long vistas down Macclesfield Road incorporating numerous trees.
7. The appeal proposal seeks prior approval for the erection of a 17m high 5G mobile telecommunications street pole with built-in wraparound cabinet and 3 associated equipment cabinets. They would be set slightly in front of the tree line, with the cabinets being underneath one of the tree canopies. While the appellant considers that the cabinets would be deemed permitted development, the appeal proposal relates to the whole installation and therefore I include the cabinets within my assessment.
8. The proposed street pole would be highly visible around the junction area, and in longer range views along Macclesfield Road and from residential properties. It would rise above the skyline and be a tall utilitarian structure with a very significant height difference to anything nearby, appearing as alien and obtrusive compared to the area's existing low-rise character and scale. The trees would not sufficiently allow the street pole to blend into its surroundings due to their much lower height, with any cover provided also varying seasonally. Similarly, nearby lamp posts would be significantly lower and slimmer, and so would not provide suitable concealment despite being of a similar colour and with a vertical emphasis.
9. At ground level, the installation would occupy a considerable area of space and add significant cumulative street furniture clutter. This would detract from the overall impression of an open area of public realm and parade forecourt, with its intentional street tree landscaping.
10. Furthermore, the Council's arborist has advised that the cabinets' siting underneath the canopy and within the root protection zone of one of the existing street trees, would likely lead to its loss. The appellant has not

provided any evidence to the contrary, including no specification for how the trees would be protected. On the basis of the evidence it has therefore not been shown that there would be no harm to trees, such that I take into account a potential loss in assessing the impact of the proposal on the character and appearance of the street scene. As an existing attractive feature, the loss of a tree would result in a clear negative impact, as well as further reduce the already limited masking effect for the installation.

11. Although in general a street pole and cabinets are often found in such urban locations, and the area is not covered by any environmental or statutory designations, it would be unduly prominent and dominant in the streetscene across a relatively wide area. Overall, I find that the siting and appearance of the proposed installation would result in significant harm to the character and appearance of the area.
12. Insofar as the development plan policies and supplementary planning guidance are material considerations, I find therefore that the proposal would not comply in this regard with the Core Strategy policies SIE-1, SIE-3, and SIE-5, or the RTD SPG. The Core Strategy policies require high quality design which protects the environment and neighbouring residents, has no adverse impact on the safety of the highway network, and specifically for telecommunications development to not have an unacceptable effect on the character or appearance of the locality, or the free and safe flow of traffic. The RTD SPG seeks to ensure that all reasonable measures have been taken to minimise the visual impact of the proposed development on the environment.
13. The Framework also refers to the need to achieve well-designed places, and specifically, paragraphs 115, 126, 130, 131, and 134, require development to be of high quality design which adds to the overall quality of an area, be sympathetic to local character including the surrounding built environment, retain existing trees, and for 5G equipment to be sympathetically designed and camouflaged. Given that I have concluded that the siting and appearance of the proposed installation would harm the character and appearance of the area, the proposal conflicts with these policies.

Living conditions

14. The proposal would be only a short distance directly in front of the windows to habitable rooms of the upper floors of residential accommodation in the parade. As such an obtrusive element in the streetscene as identified above, this would have an unacceptably harmful impact upon the outlook of the occupiers of those properties at close range.
15. The Core Strategy policy SIE-1 requires developments to provide satisfactory levels of amenity for neighbouring users and residents, and policy SIE-5 specifically identifies that proposals for telecommunications development should not have an unacceptable effect on the visual amenities of residential occupiers. Insofar as these policies are a material consideration, I therefore find that the proposal would not comply.

Highway safety

16. A substantial scheme of new pedestrian and cycle infrastructure has recently been installed in the immediate and wider area, including crossings and segregated cycleways. Incorporated within this is a shared use footway and

cycleway, within which the appeal proposal would be sited. The Council also identifies that the infrastructure scheme has been designed for future extension northwards, which would thus further increase the use of this area by cyclists.

17. The appeal proposal would reduce the width of the shared use area. The Council ascertains this would be approximately 1.00m below the minimum width required by national guidance to allow for safe movement of cyclists and pedestrians, including users of mobility aids. I find this to be a significant width reduction. The proposal would also partially block the access between the shared use area, and the cycle parking and the parade's forecourt, and impact on movement sightlines. The appellant has not addressed the scheme's potential impact on cyclists or conflict with pedestrians in this regard. Overall, I therefore find that the impact of the proposal on the space is likely to result in conflict between users, and thus harm their safety.
18. The Council also considers that the installation and maintenance of the equipment would require vehicles to park closer to the site than the proposed use of the public house car park, resulting in temporary closure of elements of the highway. While the agreement of short-term alternative arrangements is standard practice for works affecting the highway, the appellant has not identified how this potential harm to highway users could be managed.
19. Overall, the siting and appearance of the proposed installation would significantly harm highway safety. As material considerations, the proposal would conflict with the Core Strategy policy SIE-5 regarding an unacceptable effect on the free and safe flow of traffic on adjoining highways, and policies CS9, CS10, T-1, and T-3 regarding the need to consider the needs of the most vulnerable road users, and the promotion and maintenance of safe and good quality walking and cycling routes. It would also conflict with the Framework paragraphs 104, 110, and 111 for schemes to mitigate impacts on highway safety and transport networks, and paragraph 112 for priority to be given to pedestrian and cycle movements, to minimise the scope for conflicts, and to avoid unnecessary street clutter.

Suitable Alternative Sites

20. The Framework includes a section on supporting high quality communications, and paragraph 118 confirms that the need for this electronic communications system should not be questioned. The development plan and the RTD SPG also recognise the importance of modern telecommunications. However, the Framework paragraph 117c does require evidence to demonstrate exploration of alternative options and sites, with the availability of less harmful, alternative sites being a material consideration. The evidence does not include detailed mapping or analysis of the potential for mast sharing, co-location, or installing a base station on an existing building. For example, the appellant explains that the intended target/search area has a radius of approximately 100 metres and is centred over the Macclesfield Road area. However, this is not clearly identified on the mapping provided, and the appeal site also appears to be further than 100m away from the nominal location.
21. Only a very brief commentary on a few discounted site options is provided. Without detailed constraint mapping, it is not clear as to how these options were identified. Justification for discounting other sites includes narrow pavements, tree clutter, proximity to the railway line, or proximity to residential properties. However, I have found above that the siting of the

appeal proposal would also create a narrow pavement, impact on trees, and be proximate to residential properties. Furthermore, there is no detailed explanation of why a lower height 5G mast could not be achieved in this instance. The Council considers that consultation may result in other potential sites being identified.

22. Overall therefore, I am not persuaded from the evidence that all potential options and sites for potentially less harmful alternatives have been sufficiently assessed and discounted.

Other Matters

23. In accordance with the GPDO, my consideration of siting and appearance has not taken into account any social and economic benefits of the proposal. However, the general need for the proposal weighs in its favour, and I note the support in the Framework for high quality communications infrastructure, and that policies and decisions should support the expansion of the communications network. I give this substantial weight in favour of the development as a material consideration.
24. I note the interested party objections relating to matters such as health implications, although also note that the Council has not identified these as reasons for refusal, and that the Framework advises that health safeguards should not be set differently from the International Commission guidelines for public exposure. As I have already concluded that the proposal would be harmful for other reasons, I have not addressed these points in detail.

Conclusion

25. I have found that the proposal would cause significant harm due to its siting and appearance, to which I give significant weight. This harm is not sufficiently outweighed by a demonstration of a lack of alternative sites and therefore a need for the proposed street pole in this specific location. Although I give substantial weight to the benefits of the proposal as identified above, this does not outweigh the harm, and the conflict with the development plan and the Framework, where material.
26. For the reasons given above, I therefore conclude that the appeal is dismissed.

L Hughes

INSPECTOR