



Appeal Decision

Site visit made on 2 May 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/U4230/W/23/3314498

Lancaster Road Street Works, Salford M6 8ND

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Cameron Wilson (CK Hutchison Networks (UK) Ltd) against the decision of Salford City Council.
 - The application Ref 22/80668/TEL56, dated 10 October 2022, was refused by notice dated 2 December 2022.
 - The development proposed is 5G 16m telecoms installation: H3G street pole and additional equipment cabinets.
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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 account of any representations received. My determination of the 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 to be had to the development plan. I have nevertheless had regard to the policies of the Salford Local Plan: Development Management Policies and Designations 2023 (SLP) and the National Planning Policy Framework (the Framework), in so far as they are a material consideration relevant to matters of siting and appearance. Although the appellant suggests the 2019 version of the Framework is applicable to the appeal scheme, it was last updated in July 2021. It is this most recent version that I have had regard to in my decision.
4. The proposal is referred to in the appellant's statement as a 16m mast with wraparound cabinet at the base and 3 additional equipment cabinets. For the avoidance of doubt, my decision is based on the proposal indicated in the submitted plans which does not appear to include a wraparound cabinet.¹
5. The appellant has indicated the proposed mast could be coloured brown instead of light grey. However, such an alteration may be prejudicial to interested parties that have raised concerns regarding the visual appearance of the proposal and may wish to comment on any proposed colour change. I have therefore determined the appeal on the original proposal for a light grey mast.

¹ Proposed site plan and elevation drawing numbers SFD21698_SFD174_88202_M1341_GA_REV A Issue A.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether that harm would be outweighed by the need for the installation to be sited as proposed, taking into account any alternatives.

Reasons

7. The appeal site comprises a grassed verge between the pavement and carriageway edge of Lancaster Road. The surrounding area is predominantly residential in character with nearby dwellings mainly 2-storey detached or semi-detached, although there are occasional 3-storey blocks of flats also. The neighbouring De La Salle Playing Fields, in conjunction with the plentiful and mature street trees along Lancaster Road contribute positively to the pleasant, verdant and spacious character of the street scene in this location.
8. Vertical features are found adjacent to the appeal site including streetlighting columns and trees. However, they are of relatively modest height (circa 10m as shown on the submitted plans). There are also 2 existing monopole masts, one being approximately 15m in height to the north and another taller 20m high structure beyond that, 75m from the appeal site on the same side of the road.
9. Lancaster Road is relatively straight such that drivers of approaching vehicles, as well as pedestrians, from both the north and south, would have a clear line of sight of the proposed mast for some distance, more so when the adjacent trees are without leaves. Although the proposed mast would be taller than the adjacent trees, they would provide some screening to the lower part of the structure when in leaf.
10. Being light grey in colour the proposed mast and associated equipment cabinets would however, stand out from the dark colours of the trees, hedgerow and fencing as well as the existing streetlights, the bases of which for the most part are dark brown. Whether or not such structures are common along public roads in urban areas, the proposed colour would draw the eye, accentuating the alien appearance of the mast in particular. This is evidenced by the presence of the existing 20m lightly coloured mast to the north.
11. The proposed mast would be viewed cumulatively with the 2 existing masts that are in proximity. Being a different colour to the nearest mast, the proposal would be more strident, causing visual clutter and exacerbating the collective impact of 3 masts on the appearance of the spacious street scene.
12. The appellant has advised that the proposed mast could be coloured brown. It is likely that this could apply to the cabinets too. This suggests that an alternative appearance could be achieved that may help the proposed installation to assimilate better into its surroundings, similar to the existing 15m mast nearby. Hence, I find that the mast has not been sympathetically designed or camouflaged as required by paragraph 115 of the Framework. Given that this is an application for prior approval under the provisions of the GPDO, there is no provision to enable the use of an additional condition to satisfactorily resolve the external finish of the proposed mast.
13. An assessment of 6 other potential locations for the proposed installation has been made, that have been discounted for reasons of site constraints. The Council has not suggested any possible alternative locations that may be more suitable for the proposal. It has also accepted the appellant's approach to the consideration of alternative sites including that the opportunities for mast

sharing are limited. Thus, the evidence before me suggests that there are no suitable alternatives in respect of the siting of the proposed mast.

14. The proposal would provide 5G coverage for local residents and businesses. In considering the need for the proposal, Government Policy, as set out in the Framework, recognises that advanced high quality and reliable communications infrastructure such as 5G is essential for economic growth and social well-being. I have also noted the 'Collaborating for Digital Connectivity' communication from the Department for Digital, Culture and Sport which the appellant has referred me to. I acknowledge that there is a need to support the expansion of electronic communications networks, including next generation mobile technology. This is likely to have positive economic and social benefits to which I attach considerable weight.
15. Nonetheless, it is clear that there is an alternative in terms of the appearance of the proposal that could help to minimise its visual impact with regard to the cluttering of the street scene. For this reason, I conclude that the proposed mast would represent an intrusive addition to the street scene, resulting in significant harm to the appearance of the area as described above, that is not outweighed by the need for the installation to be sited as proposed and its social and economic benefits. In so far as they are material considerations, the proposed mast would conflict with Policies DG1, D1 and D2 of the SLP. These policies amongst other things, collectively require new telecommunications development to be of a high design quality and a positive addition to the surrounding area. There would also be conflict with paragraphs 115 and 130 of the Framework which seek to keep the environmental impact of new telecommunications development to a minimum through sympathetic design.

Other Matters

16. The lack of environmental designations and location of the proposal outside of any conservation area, does not justify the harmful impact on the character and appearance of the area arising from the appearance of the proposed installation as described above.
17. The Council and ward members were consulted prior to the submission of the prior approval application but it is not clear from the evidence, whether the Council had the opportunity to respond. Even if it did, the Planning Practice Guidance is clear that pre-application advice cannot pre-empt the democratic decision-making process, or a particular outcome in respect of a formal planning application.²

Planning Balance and Conclusion

18. For the foregoing reasons, the harm arising from the appearance of the proposed installation on the appearance of the area, would not be outweighed by the need for the installation to be sited as proposed, considering the potential for an alternative appearance. Accordingly, the appeal is dismissed.

M Clowes

INSPECTOR

² Paragraph: 011 Reference ID: 20-011-20140306.