
Appeal Decision

Site visit made on 4 April 2023

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2023

Appeal Ref: APP/C4235/W/22/3311288

Pavement at Thomson Street, Edgeley, Stockport SK3 8AU

- 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 Martin Brown (EE Limited) against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/085128, dated 27 April 2022, was refused by notice dated 17 June 2022.
 - The development proposed is described on the application form as 'Electronic Communications Cellular Base Station (mast). 1 no. 15m high Hutchinson Engineering "Phase 5" streetworks pole with 3no. shrouded antennas, 2x 300mm dia. microwave dishes and GPSbnode mounted on a D9 root foundation 1no. MK5B Link AC cabinet - 0.6m (l) x 1.2m (w) x 1.5m (h) 1no. Ericsson RBS 6130 cabinet - 0.65m (l) x 0.7 Metres (w) 0.95m (h) 1no. Wiltshire cabinet Length - 1.65m 9l) x 2.0m (w) x 0.75m (h) Plus associated ancillary development. Cabinets are to be mounted on concrete foundation and steel plinths. Cabinets and mast are to be galvanised metal/steel – finished in Light Grey (RAL 7035)'.
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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 2015), 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.
3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the adopted Stockport Core Strategy (SCS) and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
4. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given special regard to the desirability of preserving The Armoury of the Cheshire Regiment or its

setting or any features of special architectural or historic interest which it possesses.

Main Issue

5. In light of the above, the main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area and the significance of designated heritage assets, and in the event that any harm is identified, whether that harm would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

6. The appeal site is located next to the curtilage boundary wall of the Armoury of the Cheshire Regiment, a Grade II listed building (the Armoury). At this point of the boundary wall there is also a portion of a building within the grounds of the armoury that projects higher than the rest of the wall. There is also a public car park nearby and a pedestrian walkway and foot/cycle bridge (the bridge) that links Thomson Street to King Street West which runs over the nearby railway line. Beyond King Street West there is a large roundabout which links it to Shaw Heath and Mercian Way. This roundabout is in front of the octagonal tower of the Armoury building which can be seen from public vantage points on and around the roundabout.
7. Several streetlights are also located on the footpath closest to the boundary wall, in and around the car park and beside the bridge. Some trees are located on the other side of the pedestrian area and the car park in a direction opposite to the boundary wall. In the opposite direction to the bridge, on the far side of the car park, there is a large Baptist Church building as well as residential properties on Thomson Street, mainly comprising two storey terraced dwellings. The proposed monopole and the associated cabinets would be situated directly adjacent to the boundary wall with the proposed high steel locking posts being located adjacent to the car park. The monopole would have an approximate height of 15 metres.
8. According to the evidence, the existing streetlights nearby are around 10 metres high. Therefore, while the proposed monopole would not be double their height it would be a good deal higher than the existing street furniture, nonetheless. It would also be a similar degree higher than the nearby trees meaning that it would not be sufficiently screened from view and would be fully visible from the Church and residential properties further along Thomson Street. Similarly, the proposal would not be comparable in form and appearance to other structures in the area.
9. For these reasons, I consider that the proposal would be in a prominent location on the street scene thereby interrupting the existing views and outlook from these properties. Similarly, the proposal would also be in a relatively prominent location within the street scene when viewed from the bridge, the users of which would also be able to see it given its height and position.
10. Furthermore, for similar reasons, the proposal would also be in a prominent location and clearly visible from several public vantage points such as the footpaths on King Street West at the other side of the bridge, footpaths on Shaw Heath, and footpaths on Mercian Way. Such vantage points would also provide views of the proposal set within the wider visual context of the

Armoury, particularly from the parts of those footpaths close to the roundabout. These views would also not include any large overhanging railway equipment.

11. Consequently, given its scale, massing, height, and the fact that it would not be camouflaged or screened when viewed from certain directions means that the proposal would appear intrusive particularly when seen against the skyline and the Armoury. As a result, it would not be sympathetically designed and would therefore represent a discordant addition to the street scene thereby having an unacceptable adverse visual impact.
12. Moreover, given the sparsity of such street furniture in the immediate vicinity, I also find that the proposed cluster of cabinets would create additional visual clutter on this side of the pedestrian area in combination with the proposed monopole. They would be visible by users of the car park, pedestrian area and the bridge and would be more likely to be viewed by people travelling in either direction towards or from Thomson Street rather than stationary pedestrians.
13. It is therefore my view that the proposal would, particularly from certain directions, appear as an intrusive feature that would significantly and harmfully detract from the character and appearance of the area and the setting of the Armoury. I note the appellant's point that the proposed monopole is of a slimline design. However, even so, given its height and location I consider that this would not sufficiently mitigate the proposal's harmful visual impact.
14. Accordingly, and being mindful of paragraphs 114 and 115 of the Framework, I conclude that the proposed development would materially harm the character and appearance of the area thereby failing to preserve the setting of the Armoury. It would also therefore cause less than substantial harm to the significance of a listed building. As a result, the proposal would fail to meet the requirements of policies SIE-1, SIE-3, and SIE-5 of the SCS.

Other considerations

15. The benefits that the proposal would provide include meeting a need for 4G (and later 5G) mobile phone coverage for rail users and the wider area; providing improved connectivity, providing coverage for the Emergency Services Network, increased productivity, and more efficient and secure service delivery. I find that these benefits carry moderate weight in favour of the appeal scheme.
16. In relation to the exploration of alternative sites for the location of the proposal the Council consider that some of the options identified would in fact be more suitable than the appeal site. Indeed, according to the evidence set out within the appellant's statement and the submitted design and access statement some of the alternative sites, would appear to have less constraints than the appeal site.
17. Furthermore, it is also clear from this evidence that none of the alternative sites are situated next to a designated heritage asset. Moreover, there is no substantive evidence before me to demonstrate that the highlighted benefits of the proposal could not also be gained from using one of the alternative suitable sites identified, which are all relatively close to the railway line.

18. As a result, I find that there is not a lack of less harmful alternative sites for the proposal and that this consideration does not therefore weigh in favour of the appeal scheme.

Other Matters

19. In support of the appeal proposal the Appellant has cited several appeal decisions (Ref ADA-180-2016; Ref APP/L1765/W/18/3197522; and Ref APP/X5990/W/3162918). However, I do not have all the details of these cases before me or the circumstances which led to those decisions being taken. In addition, given that: for the first scheme the proposal was found not to have caused any harm; for the second the proposal would have made up for a loss of network coverage; and that for the third the designated heritage asset was a Conservation Area and not a listed building, I consider that the circumstances applicable to these schemes are not exactly the same as those presented in this case, which I have determined on its own merits.

Planning Balance and Conclusion

20. I have taken into account the need for the installation relating to the provision of new network coverage and other benefits which weigh in favour of the appeal scheme. However, I am in no doubt that the proposal would be harmful to the character and appearance of the area, particularly because of its size and it being situated in a prominent visible location. I am also certain therefore that it would cause harm to the significance of a designated heritage asset to which I must afford great weight.
21. Furthermore, I am also not convinced that there is a lack of less harmful alternative sites. In these respects, the proposal would be in clear conflict with the development plan and the Framework when read as a whole. As a result, and having regard to paragraph 202 of the Framework, it is my overall planning judgement that the need for the installation and the other benefits do not in this case, outweigh the harm.
22. Therefore, having had regard to all matters put forward, including the appellant's views on the sustainability of the proposal and the support offered by the Framework and the Code of Best Practice¹ to both sustainable development in general, and more particularly towards the creation of a high-quality communications infrastructure, I find nothing to alter my conclusion that, for the reasons set out above, the appeal should be dismissed.

C Coyne

INSPECTOR

¹ The Code of Best Practice on Mobile Network Development in England 2016