



Appeal Decision

Site visit made on 20 June 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/B4215/W/22/3309607

Intersection of Burnage Lane with Cringle Hall Road, Burnage, Manchester M19 2JE

- 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 Hutchison 3G UK Limited against the decision of Manchester City Council.
 - The application Ref 133822/TEL/2022, dated 19 May 2022, was refused by notice dated 8 July 2022.
 - The development proposed is the installation of a 15m high monopole tower to support antennas, three cabinets and ancillary development hitherto.
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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) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on this basis.
3. The principle of development is established by the GPDO and the provisions of the Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have, though, had regard to the policies of the Council's Core Strategy Development Plan Document (Core Strategy), City of Manchester Unitary Development Plan (UDP) and the National Planning Policy Framework (Framework) insofar 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 proposed installation on (i) the character and appearance of the area; (ii) the living conditions of nearby residential occupiers, with regards to outlook; and (iii) if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

5. The appeal site forms part of the footway and is situated on Cringle Hall Road, between Burnage Lane/Slade Lane and Acorn Close. The area around the site consists mainly of two storey properties that are set back behind front garden areas. The presence of street trees and an area of open space adjacent to the site, which also contains mature trees, gives the area a spacious, suburban character.
6. The appellant has set out the efforts that have been made to minimise any perceived visual impact of the proposal and to integrate it with surrounding vertical elements including aligning with streetlighting columns. This includes a design that avoids a shrouded frame. The proposed mast (monopole) would, however, at 15m high, be significantly taller than other items of street furniture in the area.
7. My attention has been drawn to the proximity of the appeal site to non-residential buildings, but these are located on the other side of Burnage Lane/Slade Lane. More immediately, the appeal site is situated adjacent to an area of open space which would result in the proposal appearing as a prominent feature in largely open surroundings. I was able to see the presence of trees nearby, but as they only extend up to a height of around 10m, they would provide limited screening of the proposed mast. Furthermore, these trees would only act as a backdrop from certain vantage points and the mast would appear unduly exposed in an open area. As a result, it would appear conspicuously tall and higher than any nearby built or natural features.
8. The proposal, in addition to the wrap around cabinet at the base of the mast, comprises of a number of further equipment cabinets. As these cabinets would be low level structures positioned in a linear arrangement, they would not unacceptably harm the character and appearance of the area.
9. The appellant has set out that telecommunications apparatus is commonplace in various settings. Whilst I accept such installations are seen in varying locations, it is necessary to consider the effect of the proposal's siting and appearance on the character and appearance of the area.
10. On this issue, for the reasons set out, I conclude that the siting and appearance of the proposed installation would result in significant harm to the character and appearance of the area. The proposal would conflict with, insofar as they are material considerations, paragraph 115 of the Framework, Policies DM1 and SP1 of the Council's Core Strategy and Saved Policy DC17 of the UDP, which require, amongst other matters, for development to have regard to the character of the surrounding area.

Living conditions

11. The appellant has set out that the proposal has been positioned so it does not sit directly opposite a residential property. The proposed mast would however only be slightly offset from the house on the opposite side of Cringle Hall Road and be directly opposite its garden area. I do not doubt that the appellant has sought to minimise views of the proposal from residential properties, but the mast would be clearly visible from a number of windows of the nearest residential dwelling on Cringle Hall Road. Although there is not an entitlement

to a private view, it is necessary to consider the effect of the proposal on living conditions, including on outlook.

12. Views from the nearest residential dwelling on Cringle Hall Road would be framed by mature trees but given the close proximity of the proposed mast across the highway, I consider its height, despite the proposed finished colour, would result in it appearing as an imposing feature that would cause significant harm to the outlook of neighbouring residential occupiers.
13. I therefore conclude, on this issue, that the siting and appearance of the proposed installation would result in unacceptable harm to the living conditions of nearby residential occupiers, with regards to outlook. As such, the proposal would be contrary to, insofar as they are material considerations, paragraph 130 of the Framework, Policies DM1 and SP1 of the Core Strategy and UDP Saved Policy DC17, which seek, amongst other matters, for development to ensure a high standard of amenity for existing and future users.

Need

14. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and in this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposed mast would provide 3G, 4G and 5G coverage and a number of potential benefits have been set out by the appellant relating to improved connectivity, such as supporting hybrid working in residential settings and mobile data consumption more widely. Reference has also been made to a number of Government documents that set out the importance of high speed digital communications infrastructure. The Council acknowledges the benefits that would be provided but have set out that they do not consider that these outweigh the harm identified.
15. A total of nine alternative sites were considered and discounted by the appellant. One such site was on Grange Avenue which was said to be discounted due to pre-existing buried services. Grange Avenue is a long road and it is not clear whether such pre-existing buried services are a constraint along the whole length of the road. Similarly, a site at the Slade Lane/Cringle Hall Road junction was considered and discounted, but from the information before me, locations on the opposite side of Slade Lane between Milwain Road and Linden Park have not been considered. Given that there may well be other locations that could potentially accommodate the proposal, I find the analysis by the appellant to be not sufficiently comprehensive to eliminate all other reasonable options.
16. I appreciate the need for this installation is to provide 3G, 4G and 5G coverage to the local area. It would provide benefit in terms of speed, capacity and reliability to a multitude of users and this weighs in favour of the appeal as it would boost economic growth, promote social inclusion and enhance local community facilities and services. I have also no reason to doubt that there are no opportunities to share existing apparatus or to deploy on an existing rooftop or structure. The proposal would, however, for the reasons set out above, be harmful to the character and appearance of the area and to the living conditions of nearby residential occupiers. I note that a mast with a height of 15m is the minimum required to ensure operational efficiency and there is no scope to alter the design from that put forward. On the evidence before me

though, I am not convinced that less harmful alternatives have been properly explored and it is my overall view that the need for the proposal does not in this case, outweigh the harm.

Other Matters

17. The proposal would not impact on pedestrians or compromise safety in terms of visibility or causing a distraction. The site is not in a Conservation Area and the proposal would not impact any heritage assets or planning designations. There are also no other living conditions impacts, in terms of loss of daylight or sunlight and there would not be any TV interference due to the different frequency used by the appellant's mobile network. A lack of harm in these areas are neutral matters and do not weigh in favour of the proposal.
18. I note the references in the Council's Delegated Report to a number of points that do not relate to the appeal proposal and the concerns expressed by the appellant that they did not have an opportunity to respond to a petition and comments that were made during the course of the application subject of this appeal. The Council have however set out their concerns and there is no evidence that these matters affected their decision making.
19. My attention has been drawn to a number of appeal decisions by the appellant. Whilst there are some similarities, it is also evident that from the details presented that they turned on their own particular merits as does the appeal before me.
20. I also note that Permitted Development rights allow for 20m masts, but such proposals are subject to prior approval and would be considered on their own merits having regard to their siting and appearance. Although the appeal proposal is shorter, having assessed the proposal, I have found it to be unacceptable for the reasons set out.

Conclusion

21. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR