



Appeal Decision

Site visit made on 13 June 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/Q4245/W/23/3315697

Manor Avenue and Tavistock Road, Sale M33 5JS

- 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 Trafford Council.
 - The application Ref 109596/TEL/22, dated 10 November 2022, was refused by notice dated 23 December 2022.
 - The development proposed is a 5G telecoms installation: H3G 16m street pole and additional equipment cabinets.
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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 a 5G telecoms installation: H3G 16m street pole and additional equipment cabinets at corner of Manor Avenue and Tavistock Road, Sale M33 5JS in accordance with the application ref: 109596/TEL/22, dated 10 November 2022, and the plans submitted with it including: TFD21581_MAN641_88657_M1307_GA_Rev_A Issue A (002 Site Location Plan); TFD21581_MAN641_88657_M1307_GA_Rev_A Issue A (215 Proposed Site Plan); and TFD21581_MAN641_88657_M1307_GA_Rev_A Issue A (Proposed Site Elevation).

Preliminary Matters

2. 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 GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions.
3. The provisions of the GPDO require the local authority to assess proposed development solely based on its siting and appearance, taking account of any representations received. My determination of this appeal has been made on the same basis.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. Therefore, I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are factors relevant to matters of siting and appearance.

5. I have taken the address details that are set out in my decision from the Council's decision notice, rather than the application form, as this is more accurate than the details provided on the application form.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

7. The appeal site is located within a grass verge behind the pavement with a single storey local store at the rear. It is otherwise within a predominantly residential streetscape that consists mainly of buildings that are two-storeys in height. Manor Avenue is lined on both sides by mature, deciduous trees which largely screen the buildings from the road providing an attractive sylvan character and appearance.
8. The nearby area incorporates street furniture including streetlights, and road signs. In addition there is a bus stop and sign diagonally opposite. The existing streetlights and trees are regularly spaced along the highway creating a rhythm and verticality within the street scene which is emphasised by the straight alignment of Manor Avenue.
9. The upper section of the 16m, grey monopole as proposed would protrude above the trees and surrounding buildings and would be seen against the sky. During the months when the trees are in leaf, views of the lower section of the monopole would largely be obscured by, or seen within views of, the trees. Whilst the monopole would be more visible when the branches are denuded, the trees would, nonetheless, provide a transition between the height of the surrounding buildings and street features, and the proposed monopole. Moreover, from my observations during my site visit I consider that the tree canopies would soften the presence and effect of the monopole upon approach in all directions.
10. Given its relatively simple linear and compact design, the proposed monopole would not stand out as an isolated or unduly exposed structure even though it would be significantly taller than the streetlights and the adjoining trees. It would not, therefore, appear as an alien or unexpected feature in the street scene or dominate views from the surrounding road or residential properties, including from within gardens. Furthermore, whilst sited close to the pavement and the adjoining car park, the proposed monopole and equipment cabinets would not appear overly dominant given that they would be seen adjacent to the existing trees.
11. The four, grey equipment cabinets as proposed would be sited close together in a line and would be of modest size and extent. As such, they would not result in an undue proliferation of street furniture or a visually cluttered street scene.
12. My attention has been drawn to the consent for another monopole on Manor Avenue to the south and concern has been expressed about the number of other telecommunication development in the wider area. However, I did not observe any other visually prominent telecommunication installations within the appeal site surroundings. As such I do not consider that there would be harm to the character and appearance of the area due to the cumulative impact of such forms of development.

13. For the above reasons, I conclude that the siting and appearance of the proposal would not harm the character or appearance of the area. Insofar as they are relevant to siting and appearance, the proposal would accord with Policy L7 of the Trafford Core Strategy and the Framework in terms of their collective objectives of achieving well designed places.

Other Matters

14. Concern has been expressed about the potential effects of the proposed installation on health. The appellant, however, has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conditions

15. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
16. The Council have suggested the imposition of a condition that specifies the colour of the monopole. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. In any event, I do not consider such an additional condition to be necessary to make the development acceptable. The grey colour of the mast is specified in the documentation submitted with the application which I find to be acceptable. Furthermore, the Council have not raised an objection to such a colour.

Conclusion

17. For the reasons given above, the appeal should be allowed and prior approval should be granted.

Elaine Moulton

INSPECTOR