



Appeal Decision

Site visit made on 15 August 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/B4215/W/23/3318483

Every Street, Manchester M4 7DN

- 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) Ltd against the decision of Manchester City Council.
 - The application Ref 135906/TEL/2023, dated 6 January 2023, was refused by notice dated 23 February 2023.
 - The development proposed is 5G telecoms installation: H3G 16m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the appeal form more accurately reflects the location of the appeal site than that on the application form. I have therefore used it in the banner heading above.
3. 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.
4. 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.
5. The Council has referred to development plan policies in its decision notice. However, 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. As such, I have had regard to the policies of the development plan, related guidance, and the National Planning Policy Framework (the Framework) only in so far as they are factors relevant to matters of siting and appearance.
6. It has been suggested that the proposed cabinets do not require prior approval. Nevertheless, they are shown on the submitted plans and included in the description of development. Therefore, I have considered them as part of the appeal scheme.

Main Issues

7. 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 nearby residents, with particular regard to outlook; and
 - whether any harm caused is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and Appearance

8. The appeal site is located on the pavement at the corner of Every Street and Carruthers Street. Whilst the site is in an urban location, it is predominantly residential in character and includes a mix of one, two and three storey properties. St Anne's Church, which incorporates a tall, curved brick corner feature is located opposite the appeal site.
9. Due to its location on the corner of the road junction, the appeal site commands a prominent position in the street scene. However, the proposed monopole would be somewhat screened in some views along Every Street by a row of substantial street trees on the north side of Every Street and trees of significant height in the garden of No.16 Maidford Close (No.16). Nevertheless, the monopole would be readily visible when approaching the site along Carruthers Street. Due to the topography of the area, views of the monopole would also be apparent from residential properties off Pattisall Close and Harding Street which slope towards the wooded river valley.
10. Several vertical structures including lighting columns, pedestrian crossing lighting and a bus stop are found in the immediately surrounding area. However, the monopole would extend well above the nearby buildings and street furniture. I recognise that the surrounding trees, streetlights and boundary wall around No.16 would form a backdrop to the lower section of the monopole in some views. However, the upper section of the monopole due to its 16m height, column width and distinct headframe design would be clearly visible above the surrounding buildings and nearby streetlights and tree canopies. It would have a busy functional appearance in the skyline in proximity to residential properties, in stark contrast with the domestic scale and appearance of residential development in the area.
11. Furthermore, the view of the monopole would be more readily visible during the winter months when trees along Every Street would not be in full leaf. Although the trees within the garden of No.16 are predominantly evergreen, there would be no guarantee that these would remain for the lifetime of the proposed installation. In this context the height, colour and bulk of the proposal would be discordant and conspicuous.
12. The proposed cabinets would be typical of the form of structures seen on pavements. They would be positioned adjacent to an existing cabinet, against the backdrop of the boundary wall around No.16.

13. I observed at my site visit that there were several cycle hire stands also located on the pavement, although there were no cycles locked to the stands. The proposed cabinets would be positioned alongside these cycle stands. The cumulative visual presence of the cabinets in this location would lead to an undue proliferation of street furniture leading to a visually cluttered street scene. The proposed light grey colour would accentuate the presence of the cabinets, rather than helping their assimilation against the backdrop of the existing dark grey cabinet and black railings above the boundary wall.
14. I acknowledge that the site is not within a conservation area or any environmental designation. However, the area still has qualities that are worthy of protection from unsuitable siting and appearance of the proposal. The proposal when viewed as a whole, would appear visually intrusive in its context and would therefore fail to integrate into its surroundings.
15. On the above basis, I find that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area. Insofar as they are a material consideration, it would conflict with Policies SP1 and DM1 of the Manchester Core Strategy 2012 (CS) and Saved Policy DC17 of the Unitary Development Plan for the City of Manchester 1995 (UDP) with regards to siting and the effect on the character and appearance of the surrounding area.

Outlook

16. The rear elevations and gardens of two storey dwellings on Maidford Close face towards the proposed appeal site. No.16 sits on a corner plot at the intersection with Every Street and Carruthers Street. The rear and side garden of this dwelling is of moderate depth and is bound by a low boundary wall with railings above. Although there are several tall evergreen trees around the edge of the garden, due to the low height of the boundary enclosure, the topography of the site in relation to the adjoining pavement and gaps between the trees, views towards the rear and side elevations of the dwelling and its garden are clearly apparent from Every Street and Carruthers Street.
17. Whilst trees within the gardens of No.16 and the adjoining dwelling at No.14 Maidford Close (No.14) would offer some screening, the proposed monopole would tower above the trees. It would be significantly taller and closer than surrounding streetlights. In my judgment the proposed monopole would form a highly conspicuous feature which would be imposing when viewed from the rear windows of these properties and particularly from within their rear gardens. I find that the structure would result in an overbearing and intrusive feature that would unacceptably affect the outlook of the occupiers of these dwellings, to the detriment of their living conditions.
18. Although the proposed monopole would be visible from the rear windows and gardens belonging to other residential properties on Maidford Close, the rear windows of these dwellings are angled away from the appeal site, therefore the monopole would be seen obliquely, and it would not dominate the whole view. The proposed cabinets would not be sufficiently large to have an overbearing presence in views from nearby residential windows or gardens.
19. However, on the above basis, the proposed development, through its siting and appearance, would harm the living conditions of occupiers of Nos.14 and 16 Maidford Close, with particular regard to outlook. In so far as they are a

material consideration, the proposal would be contrary to Policy DM1 of the CS and Saved Policy DC17 of the UDP which together, amongst other matters, seek development that is sited appropriately without causing harm to residential amenity.

Alternative Sites

20. There is a clear need for, and importance of, the rollout of the 5G network. The proposal would provide new and enhanced 5G coverage and network capacity within the area and the equipment must be located somewhere. However, as I have found that the proposed siting would cause harm to the character and appearance of the area and the outlook for some residents, it is necessary to consider whether other, less harmful, options may be available.
21. Paragraph 117 of the Framework advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
22. The appellant has outlined their sequential approach to site selection within the designated search area which I acknowledge would be constrained in this urban area. Six ground-based sites in the search area were considered and discounted by the appellant for a combination of amenity, technical and practical reasons. However, no detailed supporting information to fully corroborate that an exhaustive search of all possible sites was undertaken and that potential alternatives were discounted on reasonable grounds has been presented to me. Moreover, on the basis of the submitted evidence, no survey was undertaken in the search for a suitable mast sharing or rooftop opportunity as required by the Framework.
23. The Council suggests an alternative site for the proposal in the area referred to by the appellant as D1, which includes tall buildings. I also saw at my site visit numerous other tall buildings within the cell search area. No robust justification has been provided by the appellant as to whether the alternative site suggested by the Council, or any other rooftop site in the search area would be suitable.
24. While many of the other sites referred to were also close to residential properties, the proposal before me appears to be closer to residential properties than some of the other sites that were considered. The site referred to as D3 is located at a busy road junction where many other vertical structures are apparent, including a tall CCTV camera. Similarly, location D4 is positioned close to a busy ring road where significant sized street furniture is often located.
25. When noting the visual and other effects of the siting and appearance of a monopole and associated cabinets within an area, it is reasonable to require clear and comprehensive supporting evidence. Indeed, whilst reasons (for discounting site options) such as proximity to residential properties at other locations, insufficient space, and visibility splays have been stated, these have not been substantiated through supporting documentation.
26. Consequently, on the information before me, having regard to Framework paragraphs 115 and 117 c), the evidence does not convincingly demonstrate

that a thorough review of possible options within the cell search area has been carried out or that the appellant has adequately explored whether there may be less harmful alternative sites. As such, the harm I have identified above is not outweighed by the need for the installation to be sited as proposed.

Other Matters

27. The Council has referred to the Church of All Souls on Every Street, which is a Listed Building. The Council raise no concerns in respect of the effect of the development on the setting of this listed building, and I have no substantive reason to consider otherwise. Given the distance to the listed building and the intervening built development, I am satisfied that the proposal would not harm the significance of the designated heritage asset. This is a neutral consideration and does not weigh in favour of the appeal.
28. My attention has been drawn to an appeal decision for a 20m high monopole that was allowed¹. Limited details about this case have been provided, although I note the location was in London and the reasons the Council refused the application differ from those in the case before me. Therefore this example is materially different to the scheme before me.
29. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by ICNIRP. In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine and there is no reason to depart from national policy in this respect.

Planning Balance and Conclusion

30. I consider that the appellant's evidence demonstrates a need for enhanced capacity and expansion in the area. The government is committed to supporting the deployment of next-generation mobile infrastructure. This is generally reflected in both the Framework, the CS and the UDP. In this regard, whilst I recognise the general social and economic benefits, those benefits have effectively been recognised by the grant of permitted development rights in the GPDO. Hence, they do not carry additional weight when considering matters of siting and appearance as part of the prior approval process.
31. To conclude, the siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the area and the outlook from occupiers of nearby residential properties, and to which I apportion significant weight. Moreover, it has not been demonstrated that this harm is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.
32. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

A Veevers

INSPECTOR

¹ Appeal Ref: APP/A5840/W/20/3254830