



Appeal Decision

Site visit made on 5 September 2023

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/U4230/W/23/3318406

Lancaster Road, 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 GPDO).
 - The appeal is made by MBNL (EE UK Ltd & Hutchison UK Ltd) against the decision of Salford City Council.
 - The application Ref 22/80887/TEL56, dated 24 November 2022, was refused by notice dated 25 January 2023.
 - The development proposed is described as 'Proposed replacement of existing rooftop equipment at Oakwood Nursing Home, Radcliffe Road, Manchester, M6 7WP with +20.0m AGL telecommunications installation and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the GPDO 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 Council has referred to a number of 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 of the GPDO do not require regard to be had to the development plan. As such I have had regard to the policies of the development plan, the Council's Telecommunications Supplementary Planning Document 2013 (SPD) and The National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area.

Reasons

5. The appeal site forms part of a grass verge that runs along the western side of the busy Lancaster Road highway. Whilst the locality is predominantly residential in character, the appeal site is located adjacent to the De La Salle playing fields.

6. The grass verge on this side of Lancaster Road separates the road from a tarmac footway and contains a range of street furniture that includes lighting columns, a bus shelter, a radar speed sign and 2 existing telecommunications masts (around 15m and 20m in height respectively) and associated equipment cabinets. There are also a number of trees planted along this verge.
7. The proposed elevation plan shows that the monopole, which would be approximately 20 metres high, and equipment cabinets would be positioned on the grass verge and next to a streetlight. The siting and height of the proposed mast has sought to satisfy technical and operational requirements and clear surrounding clutter and prevent obstructing pedestrian flow. I have also been informed that the proposed 5G installation is the optimum design solution, which intends to remain as discreet as possible whilst ensuring that it has been 'future-proofed' for upgrades and can facilitate multiple 'sharers'.
8. Nonetheless, the proposed mast would be appreciably taller, bulkier and more prominent than the nearby street lighting columns. Furthermore, Lancaster Road is a long, wide and straight road, and the proposed mast would be readily visible from long distances in the approach from either direction. Whilst the trees may screen some lower parts of the proposed mast when in leaf, as I saw with the existing 20m high mast on my site visit, it would clearly project above the height of them.
9. As such, it would be prominent in views through the area including from nearby residential streets and properties. Irrespective of any potential changes in its colour, the proposed monopole's excessive height and greater bulk would therefore result in a dominant and visually obtrusive feature.
10. Furthermore, due to the closeness of the existing masts to the appeal proposal, there would be a harmful cumulative visual impact arising from the 3 structures. The proximity of the masts to each other on the same side of Lancaster Road and their significant height above the street lighting would serve to draw the eye, and further accentuate their visual presence.
11. Whilst it has been put forward that the proposal would replace an existing rooftop facility at Oakwood Nursing Home, this is some distance away from the appeal site. There are also no hedgerows to provide further screening on the grass verge. As a result, an element of perceived visual clutter at low level would also be introduced through the siting and amount of the ancillary equipment cabinets.
12. The appellant contends that the associated equipment cabinets are within the size limits to be classified as permitted development. However, I am not convinced that there is a greater than theoretical possibility that the installation of the cabinets on their own may occur. In any case, the proposal before me relates to the whole installation, and I have therefore considered the effect of all of the proposed equipment in relation to the main issue of this appeal.
13. In so far as they are a material consideration, the proposal would therefore be contrary to Policies DG1, D1 and D2 of the Salford Local Plan: Development Management Policies and Designations 2023 which seek to protect the character and visual amenity of places. The proposal would also conflict with advice in the SPD and the Framework in respect of equipment being sympathetically designed.

Other Considerations

14. The Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It therefore supports the expansion of electronic communications networks, including 5G. As such, I am mindful of the economic and social benefits of providing and enhancing electronic communication infrastructure, that have been put forward by the appellant. The benefits to mobile connectivity and the network (access and speed) to a multitude of users, devices, facilities and services, which would improve health, transport, and security are also noted.
15. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.
16. Furthermore, paragraph 117 of the Framework advises that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this should also include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.
17. In this instance, I am informed that the proposal seeks to address a 5G coverage hole in the area. It is unclear whether this hole in the coverage is a result of a notice to quit from a nearby site that may have been providing these services. Moreover, no copy of the notice to quit, or any cell coverage maps have been provided by the appellant. This means that I am unable to be confident that the search area is accurate. Accordingly, I am not in a position to fully review the appellant's conclusion on this matter or be satisfied that no alternative sites are available as I cannot be certain of the limits of the search area.
18. It has also been put to me that the least intrusive equipment configuration has been specified as a shared 5G structure would require multiple levels of open antenna headframe on a considerably more bulky and intrusive support structure. Nonetheless, I have not been provided with any details of what the appearance of the existing masts would be like, including their height, should they be redeveloped. It is therefore not possible for me to compare these options and reach an opinion regarding their respective effects on the appearance of the area. As a result, I afford the lack of identified alternative sites limited weight in favour of the scheme.

Other Matters

19. The appellant contends that the proposal has been set as far away as possible from sensitive receptors and that there would be no tangible loss to local residents' privacy levels or a detrimental effect on residential amenity. I have also been made aware that it would not be on Article 2 (3) land or in close proximity to any listed buildings. However, these matters did not appear to be contentious in the appeal and the absence of harm in these respects, would be neutral factors, that do not weigh in favour of the proposal.
20. I have also been made aware that a pre-application enquiry for this scheme was submitted and that no responses were received from the Council or Ward

Councillors. However, this has not had any bearing on my decision as I have only had regard to the planning merits of the proposal that is before me.

Planning Balance and Conclusion

21. Having regard to all relevant considerations, including national planning policy and the potential availability of alternative sites, I do not consider that the benefits of the installation in terms of the enhancement of the telecommunications network, including the possible sharing capabilities of the structure, its contribution to economic growth and the operational and locational needs of the operators outweigh the significant harm arising to the character and appearance of the area.
22. For the reasons given above the appeal is therefore dismissed.

Mark Caine

INSPECTOR