



Appeal Decision

Site visit made on 14 November 2023

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 8th December 2023

Appeal Ref: APP/B4215/W/23/3323255

Wilmslow Road street works, Wilmslow Road, Manchester, M20 6UG

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Manchester City Council.
 - The application Ref 135673/TEL/2022, dated 5 December 2022, was refused by notice dated 30 January 2023.
 - The telecommunications installation proposed is described as 'proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the proposal relates to a Conservation Area, I have had special regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). This requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
3. The provisions of the GDPO 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.
4. The provisions of Schedule 2, Part 16, Class A of the GDPO do not require regard to be had to the development plan. 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 a material consideration relevant to the matters of siting and appearance.

Main Issue

5. The principle of development is not subject to consideration in a prior approval application since this has been established by virtue of the GDPO.
 6. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the significance of heritage assets.
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Reasons

The heritage assets

7. The proposed installation would be located in the pavement on the west side of Wilmslow Road within a wide section of pavement in front of the Barlow Medical Centre that was previously occupied by a bus stop.
8. The site is within the Didsbury St James Conservation Area. This covers an extensive area that contains the largest collection of listed buildings outside of Manchester city centre. Whilst there is variety in the style and form of the buildings, the area developed as an affluent suburb and incorporates a townscape of great character with many high quality historic buildings, including impressive public buildings, places of worship and grandiose houses. Notably, the whole of the conservation area is well wooded. The trees serve not only to screen one group of buildings from another, but to provide a unifying, leafy backdrop to the whole area.
9. I consider that the significance of the conservation area, in so far as it relates to this appeal is mainly derived from the quality and variety of the historic buildings and the relationships of these to each other and the spaces, streets, trees and public realm around them that make up the distinctive and cohesive suburban townscape. The appeal site fronts Wilmslow Road which is a busy primary route through the area and hosts a number of listed buildings and street trees. The appeal site forms part of a prominent area of public realm and is seen in views up and down Wilmslow Road. As a result, it contributes positively to the historic character and appearance of the conservation area.
10. There are a number of listed buildings nearby. These include the Grade II listed Didsbury Methodist Church of St Paul which is directly opposite the site. Built in a gothic style of yellow sandstone in 1875 it incorporates a tall steeple with windows in the spire. Now converted to offices it remains an important landmark in the area. Its associated walls gate piers and gates also listed. The Administration Building at Didsbury Campus Manchester Metropolitan University on the other side of Wilmslow Road to the south of the Church is Grade II* listed. This impressive and grand two/three storey building dates to around 1790. Built in a classical style it has a five bay central façade finished in sandstone ashlar. The Council also refers to the Grade II listed building Broome House, and a non-designated heritage asset Lawnhurst at 826 Wilmslow Road, both of which are to the north of the appeal site.
11. Despite their different ages and architectural styles and types, and accepting that they all have their own particular features of interest and significance, there is nevertheless a cohesiveness this suburban concentration of buildings. Thus, this grouping of heritage assets has a shared significance. Insofar as relating to this appeal, this common significance is derived from their historic interest as traditional buildings which collectively provide evidence of the role and status of Didsbury and its historic development.
12. The settings of these buildings, and the contribution they make to the significance of those assets, in so far as they relate to this appeal, is derived from the rich historic character of the suburban townscape and its traditional buildings, streets, spaces and trees. These factors contribute to the settings of the listed buildings and how they are appreciated.

13. The Framework defines setting as the surroundings in which a heritage asset is experienced. The historic buildings identified are close to the appeal site, some over-look it or are near to it, and others form part of the back drop to it. Overall I consider that there is inter-visibility to varying extents between these and the appeal site, and that some contextual views of the buildings identified include the appeal site. Thus the appeal site has a visual relationship with the listed buildings and the urban streetscape, and therefore contributes to their settings. I have had special regard to this matter in considering the appeal.

The effect of the proposal

14. The proposal would introduce a 20 metre high slimline pole with a wraparound base cabinet along with three additional equipment cabinets, all of which would be finished in grey. They would be sited in the area of wide pavement outside the Barlow Medical Centre where there is a gap in the row of street trees which sit between the footpath and Wilmslow Road.
15. Paragraph 115 of the Framework states that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. The appeal site is within an urban area next to a busy road and forms part of a wide footpath which is close to lamp posts and trees. There are commercial buildings nearby and the proposed pole and cabinets would not be sited directly in front of residential properties. The grey pole and cabinets would be of a simplistic functional design and the cabinets would be typical of control boxes commonly seen on the public highway. I also appreciate that the height of the pole proposed is the lowest required for the improved 5G service.
16. Nevertheless, the installation would introduce a substantial and dominant feature to the street scene. The buildings on the west side of Wilmslow Road including the medical centre are two and three storey and are set back from the road behind a verdant frontage where they are appreciated as relatively low scale development. The proposed pole would be much taller than these buildings. It would also significantly exceed the height of the existing street furniture and the street trees nearby.
17. Whilst the trees would provide some screening and a backdrop of greenery when in leaf, the installation would tower over these important features of the area and appear somewhat alien next to them. Given its prominent siting, the installation would be obvious in views taken in both directions along Wilmslow Road. Although it would not exceed the height of the Didsbury Methodist Church of St Paul opposite the site, it would nevertheless compete visually with and distract from that distinctive landmark building.
18. Taking these factors into account, I find that the proposal would be visually intrusive and would appear at odds with the suburban townscape and traditional buildings nearby. It would detract from its surroundings and stand out as an incongruous and jarring addition to the site and the street scene that would undermine the appreciation of the important historic suburban townscape nearby. In doing so, and unacceptably detracting from the public realm and the characteristic street trees, it would diminish the contribution of the settings of the nearby buildings to their significance.
19. For these reasons I find that the proposal would fail to preserve the settings of the nearby listed buildings. In undermining the settings, which also contribute to the historic significance of the conservation area, the proposal would also

detrimentally affect how the conservation area is experienced. I therefore consider that the proposal would also cause harm to the significance of the conservation area and would fail to preserve its character and appearance.

20. Thus overall, I am not persuaded that the proposal has been sited and designed to minimise the impact on the visual amenity of the area or that it would assimilate with its immediate and wider surroundings.

Heritage balance

21. The Framework advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I consider that the harm in this case, although serious, would be less than substantial in the terms meant by the Framework. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
22. The proposal would provide 5G coverage to the area. A new site is required to meet the appellant's operational requirements and to provide much needed coverage to the densely populated area. It would provide modern high speed communications to the residential area, where there is increased demand arising from home working, remote education, gaming and social media. There is support for the proposal from some local residents who indicate that mobile coverage in Didsbury is poor.
23. The Government is committed to promoting technology and recognises the importance of telecommunications to the wider economy. Paragraph 114 of the Framework states that advanced high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). The appellant also refers to a letter from the Department for Digital, Culture, Media and Sport of 27 August 2020 urging local authorities to speed up digital infrastructure roll out. Additionally, Manchester's Local Development Framework Core Strategy Development Plan Document (CS) also recognises the importance of reliable and efficient digital communications to meet the needs of businesses and communities.
24. The appellant indicates that a 5G cell typically has a smaller radius area and stations must be situated within close proximity of the area they are covering. Reference is made to a search area with a radius of approximately 50 or 100 metres. Against this background, the appellant undertook a sequential approach to site selection. Paragraph 117 of the Framework requires applications to be supported by the necessary evidence to justify the proposed development and indicates that this should include; for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure (c).
25. The appellant's Site Specification Supplementary Information and Planning Justification Statement (SSSI) states that in this location existing mast sites are not capable of supporting additional equipment to compliment or extend coverage reach, and prospective 'in-fill' mast sites are extremely limited. Accordingly, with no scope to upgrade existing infrastructure or site share with other operators, a street pole with associated cabinets was deemed to be the

only and most appropriate solution available in order to respond to the constraints of the area and its makeup. However, I have seen no assessment of the alternative buildings, masts or other structures that were considered as part of this exercise, or the reasons as to why they were ruled out.

26. The site search for alternative locations relates only to a street pole type of installation, and the SSSI considers six discounted sites. All of these are in pavement locations and the majority of them were ruled out due to unsuitable pavements (amongst other things). The possible presence of heritage assets nearby is not listed as a potential constraint to development or as a factor which has been considered as part of the site selection process. Additionally the SSSI incorrectly refers to the appeal site as being situated out with a conservation area or other such restrictive designation (page 2). This being so, I cannot be assured that the important matter of the impact of the proposal on heritage assets has been taken into account in choosing the appeal site.
27. As such, it has not been established that no suitable alternatives sites for the installation exist that would prove less harmful. This limits the public benefit of the proposal, since I cannot be sure the benefits as outlined could not be realised by development elsewhere.
28. Bringing matters together, for the reasons set out above I find that the proposal would be harmful to the character and appearance of the area and heritage assets. Even taking all the factors considered above into account, I find that the public benefits arising from the proposal would not outweigh the harm to the significance of the heritage assets I have identified.
29. In view of my conclusions, and insofar as they are material considerations relevant to siting and appearance, I consider that the proposal's harm to the character and appearance of the area and heritage assets, would conflict with Policies DC17.1 of the Unitary Development Plan for the City of Manchester (UDP) which is supportive of telecommunications development where it has been sited and designed to minimise its impact in environmentally sensitive areas. It would fail to align with UDP Policy DC18.1 which seeks to preserve and enhance the character of conservation areas. Additionally the proposal would be contrary to CS Policy DM1 which requires development to have regard to its impact on the surrounding area in terms of design, scale and appearance. It would also conflict with CS Policy EN3 which requires development to be designed so as to support the Council in preserving or where possible enhancing the historic environment, and with CS Policy SP1 which requires development to enhance and create character, and to protect and enhance the built and natural environment. Furthermore it would be at odds with paragraph 197 of the Framework.

Other Matters

30. The installation would be sited to the front of the footway, with sufficient clearance from the back of the footway, and there are no objections from Highway Services. The absence of harm in this regard counts neither for, nor against the proposal.
31. The appellant undertook pre-consultation with the Council and notified ward members. However this is not a reason to allow an installation which would be harmful.

32. Reference is made to an appeal decision in Walworth London. However, I am not aware of the full circumstances that led to that decision and so cannot be sure that they are the same as in the case before me. I note for example that that scheme was refused due to pedestrian safety concerns. I confirm in any case that I have considered the appeal proposal on its own individual merits and made my own assessment as to its potential impacts.
33. Concerns have been raised about potential effects on health. However, the appellant 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. The absence of harm in this regard counts neither for, nor against the proposal.

Conclusion

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

E Worthington

INSPECTOR