



Appeal Decision

Site visit made on 5 December 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024

Appeal Ref: APP/C4235/W/23/3323311

Priestnall Road Street Works, Priestnall Road, Stockport SK4 3HY

- 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 Mr Gallivan, on behalf of, CK Hutchison Networks (UK) Limited against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/087871, dated 11 February 2023, was refused by notice dated 27 March 2023.
 - The development proposed is 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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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 (the GPDO), 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. I have determined the appeal on the same basis.
3. There is repeated reference to a proposed 12m monopole and wraparound cabinet within the appellant's Appeal Statement. However, consistent with the plans considered and determined by the Council, the application was made based on a 15m street pole. I have determined the appeal on this basis.

Planning Policy

4. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
5. Nevertheless, Policy HC1.3 of Stockport Unitary Development Plan Review, 2006, Policies CS8, SIE-1, SIE-3, SIE-5, and T-3 of Stockport Metropolitan Borough Council Local Development Framework Core Strategy DPD, 2011, are material considerations as they relate to issues of siting and appearance, including with regard to conservation areas, safety on highways and telecommunications. Similarly, the National Planning Policy Framework (the

Framework) is also a material consideration, and this includes sections on supporting high quality communications.

6. Whilst a revised version of the Framework was published in December 2023, the relevant section on Supporting High Quality Communication remains unchanged apart from paragraph numbering. Thus, it has not been necessary to request observations from the main parties upon any implications of the revised Framework's publication.

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, having particular regard to its effect upon the setting and thereby the significance of the Mauldeth Road Conservation Area;
- The effect of the siting and appearance of the proposed installation on the living conditions of neighbouring occupiers, having particular regard to outlook;
- The effect of the siting of the proposed installation upon the safety of pedestrian movements along the footway; and
- 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 and Mauldeth Road Conservation Area (CA)

8. The site is on a footway which contains several established trees. This is separated by a low, front boundary wall, from Priestnall School. The school is set back from the road with, at the front, an access road and landscaping, which also includes a number of trees.
9. Opposite the site, on Priestnall Road, are traditional detached and semi-detached houses. These are located within the Mauldeth Road Conservation Area (CA), the boundary of which runs along Priestnall Road and thus adjacent to the appeal site. The significance of the CA stems from the residential development in this former agricultural area in the 19th and early 20th centuries. This was a result of local industrialists moving to the area and constructing large residences in substantial gardens or parkland. These individually designed houses along leafy lanes provide both an architectural and a spatial quality to the area. This includes Priestnall Road, which makes a valuable contribution to the special character and appearance of the CA. Generous gardens, bounded by hedges with mature trees, give a verdant character and provide opportunities for views along roads and through garden spaces. Overall, this creates a pleasant residential suburb.
10. The mast would be 15 metres in height, with cabinets located alongside it. Whilst at this height it is the lowest mast required for improved 5G service in the area, it would be taller than any other structure or feature in the vicinity. Although it would have the backdrop of Priestnall School, this is only two storeys in height. The only other vertical elements nearby are a flagpole within

the school grounds and widely spaced lamp posts which are much lower in height than the proposal. Whilst there are trees both on the pavement and within the school grounds, these are not as high as the proposed pole. Furthermore, the housing fronting the proposal is also two storeys in height.

11. I acknowledge that the pole and cabinets are designed to be installed along public roads. However, the stretch of footway on which the proposal would be sited is, for the most part, free from clutter. This, combined with the low wall and the generous landscaped frontage to the school provides an area that is open, with no features that obviously detract from this pleasant setting. The installation of the pole and cabinets in this location would be highly visible, particularly at times of the year when the deciduous trees adjoining the site would not be in leaf. Although the installation would be grey, the pole would be bulkier than the lamp posts and the flagpole. Furthermore, the size of the cabinets and overall finish would result in the installation being obtrusive and detrimental to the visual qualities of the area.
12. The proposal would be near to existing trees and the Council's Senior Arboriculture and Habitat Officer has stated that it could impact on some trees within the footway and in the neighbouring school grounds, although they do not object to the proposal. In any case, without prejudice to my findings in a wider character and appearance sense, I am satisfied, following my inspection, that the proposed street pole would be sufficiently distanced from the nearest existing trees to avoid any likely damage or adverse impact upon their long-term health.
13. Nevertheless, for the reasons given above, I conclude on this main issue that the siting and appearance of the proposed installation would appear incongruous with the features around it. It would consequently be visually intrusive and have an adverse effect on the character and appearance of the area. Whilst the proposal is located just outside the CA, the significance of the CA is in-part underpinned by the verdant spaciousness of Priestnall Road and the quality of available views along it. This significance would be harmed by the proposal which would introduce inappropriate features into this designated asset's setting. This would, in the terms of the Framework, be less than substantial harm to the CA. The harm to the designated CA must be weighed against the public benefits of the proposal which I will discuss later in my decision.

Living conditions

14. Without prejudice to my findings on character and appearance, and whilst acknowledging the widespread visibility that would avail of the proposed equipment, I am content that the amenities of nearby residential occupiers would be satisfactorily safeguarded. Indeed, properties to the south are setback from Priestnall Road and the separation distances that would avail would guard against the street pole, which is of slimline design, having unacceptable overbearing effects. Thus, having particular regard to outlook, the siting and appearance of the proposed installation would have an acceptable effect upon the living conditions of neighbouring occupiers.

Effect on footway

15. Whilst the footway on which the proposal would be sited, is wide, it is adjacent to a narrow road. Priestnall School is a secondary school, reputed to have over

1000 pupils. I visited the site at the end of the school day, and I was able to see that large numbers of pupils were walking along this stretch of pavement. Whilst there were no cars parked directly outside the school, on the opposite side of Priestnall Road, and adjoining roads, there were a significant number of cars arriving and leaving to pick up pupils from the school. The area is therefore very congested at certain times of the day.

16. Although the installation would cover only a small area of the footway, it would impede the progress of pedestrians. Whilst I saw that pupils were being supervised by staff when leaving the school, because of the large numbers of pupils leaving, or indeed arriving, at one time, it would potentially result in pupils straying into the adjoining carriageway. The proposal would thus create a legitimate risk to the safety of users of the footway.
17. Therefore, I conclude on this issue that the proposal would have an adverse effect upon the safety of pedestrian movements along the footway in this location.

The availability of alternatives

18. I accept that the position of the newly proposed equipment would need to complement the existing network to promote continuous network cover, and that the street pole has been designed with a 15m height for the purposes of ensuring network coverage improvements. Moreover, the search area that was identified for the purposes of site selection was necessarily constrained in size.
19. However, whilst alternative sites were considered and discounted as part of the appellant's site selection process, 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 is not before me.
20. With regard to paragraph 121 of the Framework, the development should be justified including 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.
21. The appellant states that a sequential approach was adopted, however, no mast or site sharing opportunities or existing buildings/structures were identified. Whilst the appellant carried out a desktop survey, followed by a physical inspection of the area, there is no substantive evidence of the methods employed and why there was no mast or sharing sites or existing buildings that could be utilised.
22. The options presented provide only on-street public highway locations. Indeed, the appellant has provided a list of six discounted sites. Option D4, which is also on Priestnall Road, has been discounted as the pavement is said to be unsuitable, as well as due to identified visibility splay issues. This reason has also been cited in the case of option D3 on Mauldeth Road. It has also been alleged that option D6 has unsuitable pavements and is in a residential area, that option D1 has insufficient pavements, that option D2 is on a private road, and that option D3 has been discounted as it is on a wide grass verge at a junction which would cause visibility issues. Despite these stated reasons, there is no detailed evidence (such as supporting plans, for instance) to justify in precise terms why these locations have been discounted. For example, to

demonstrate why the location of the appeal site in a residential and densely populated area is acceptable, whilst another site in a residential area has been discounted. Nor has it been clearly demonstrated that these six discounted options are an exhaustive representation of the options offered by the search area.

23. In any event, it has not been satisfactorily established that no suitable alternative site (in a less sensitive location when compared to the appeal site, stepped away from any conservation area and avoiding potential prejudice to pedestrian safety) is available.
24. Thus, based on the evidence before me, the need for the proposed installation to be sited as proposed does not outweigh the significant harms I have identified would be caused to the character and appearance of the area and to the safety of pedestrian movements by virtue of its siting and appearance.

Other Matters

25. Concerns have been raised about potential effects on health. However, the appellants have 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.
26. Reference has been made by the appellants to an appeal decision for telecommunications installation¹, including a 20-metre monopole, which was allowed. However, that decision relates to a different local authority area where a different host character and appearance and highway environment would have been in place. Moreover, that appeal decision does not set a precedent for allowing the proposal now before me which I must consider upon its own individual merits.

Heritage Balance and Conclusion

27. I have identified that the siting and appearance of the proposed installation would cause less than substantial harm to the significance of the adjoining CA as a result of development within its setting. The Framework identifies that where less than substantial harm to a designated heritage asset is identified, this harm should be weighed against the public benefits of the proposal. The Framework also sets out that great weight should be given to the conservation of a designated heritage asset, irrespective of whether the level of harm, as in this case, is less than substantial.
28. The Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The scheme would be in line with Government aspirations in this context and would support high quality communications and digital connectivity by offering 5G services.

¹ APP/A5840/W/20/3254830

29. The proposal has had some third-party support who have stated that mobile reception is poor, it would boost the economy of the local area, and it would promote opportunities for people to work from home, thereby reducing commuting and the resultant traffic and provide an environmental benefit.
30. However, in my judgement, despite the considerable benefits that would result from advanced communications, these would not outweigh the less than substantial harm that I have identified would be caused to the designated heritage asset and to which I must give great weight. This finding, along with my separate assessment that the need for the proposed installation to be sited as proposed does not outweigh the significant harms identified to the character and appearance of the area and to the safety of pedestrian movements by virtue of the proposal's siting and appearance, indicate that the appeal should be unsuccessful.
31. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR