



Appeal Decision

Site visit made on 9 April 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2024

Appeal Ref: APP/C4235/W/23/3331232

Queens Drive SW, Heaton Moor, Stockport SK4 3LD

- 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 Cornerstone against the decision of Stockport Metropolitan Borough Council.
- The application Ref is DC/087982.
- The development proposed is described as 'The installation of a 20m slim-line column supporting 6 no. antennas, 2no. 300mm Transmission Dishes and 3no. Remote Radio Units (RRUs), with 2no. equipment cabinets at the base and ancillary development'.

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. My determination of this appeal has been made on the same basis.

Planning Policy

3. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. On that basis I have considered policy HC1.3 of the Stockport Unitary Development Plan Review, 2006, policies CS8, SIE-1, SIE-3 and SIE-5 of the Stockport Core Strategy DPD 2011, the Radio Telecommunication Development Supplementary Planning Guidance 2003 (SPG) the National Planning Policy Framework (the Framework) and National Design Guide, only in so far as they are material considerations relevant to matters of siting and appearance.
4. Whilst a revised version of the Framework was published on 19 December 2023 and updated on 20 December 2023, the relevant section on Supporting High Quality Communication remains unchanged. Thus, it has not been necessary to request observations from the main parties upon any implications of the revised Framework's publication. I have referred to the updated paragraph numbers accordingly.

Main Issues

5. 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 of the Mauldeth Road Conservation Area, and the setting of nearby non-designated heritage assets; and
- in the event that harm is identified whether this would be outweighed by other considerations including the need to locate the installation on the appeal site having regard to the potential availability of alternative sites.

Reasons

Siting and appearance

6. The appeal site is located within an attractive residential area, which is immediately adjacent to but outside of the Mauldeth Road Conservation Area (the CA). The significance and special interest of the CA is derived, in-part, from the large, individually designed, residential buildings of an eclectic architectural quality. The significance and special interest is further underpinned by an abundance of mature trees, public open spaces, and vegetation within front gardens.
7. Although no statutory protection for the setting of a CA is present under the requirements of 72(1) of the Planning (Listed Buildings and Conservation Areas) Act for development outside its boundaries, the Framework requires the impact of a proposal on a heritage asset to be taken into account, including development affecting the setting of a heritage asset.
8. The site occupies a prominent position, on a highway verge at the junction of four roads. The site is overlooked by a number of residential properties and the immediate street scene has a pleasant, verdant character. There are a number of attractive residential buildings in the locality, including a number of large, early twentieth century houses on Queens Drive, which the Council identify as non-designated heritage assets (NDHA). In particular, 3 and 5 Queens Drive, located close to the appeal site, have 'Arts and Crafts' influences, which contribute to the visual quality of the buildings. They are recognised as amongst the best and most characterful of the large houses in the area.
9. A three storey block of residential flats, namely Queens Court, is located in between the appeal site and the properties on Queens Drive. The block of flats has a functional appearance, but its visual prominence is reduced by the presence of mature trees and vegetation on the boundaries.
10. The proposed 20m monopole and antenna would be substantially taller than the nearby lampposts and mature trees. It would also be of a greater height than many of the existing residential buildings nearby, including the three storey Queens Court. The prominent location, surrounded by residential dwellings mean that the houses would have a direct outlook towards the proposal. It would also be highly visible from a number of the surrounding streets and the CA.
11. When viewed from the areas within the CA, particularly from various positions along Thornfield Road, it would be highly conspicuous. There would also be views of the proposal from Queens Drive, towards the CA, between existing buildings and mature trees. The upper parts of the proposed structure would be visible above the roof line of the Queens Court building and the appearance,

due to its proximity and appearance, would undermine the significance of the adjacent NDHA.

12. The exposed antenna would have a functional and stark appearance and the significant bulk of the proposed monopole would give further emphasis to its height above neighbouring structures. Therefore, in the context of the attractive residential area, its height and appearance would result in it being visually intrusive, and it would dominate its surroundings. Even with views of the proposal being broken up by the presence of mature trees, the proposed development would be an incongruous feature.
13. For the reasons given above, I conclude on this main issue that the siting and appearance of the proposed installation would be discordant within the street scene and wider area. As such, it would be unacceptably harmful to the character and appearance of the area, the setting of this part of the Mauldeth Road Conservation Area, and to the non-designated heritage assets which I have identified above.
14. Given the relative containment of the appeal site, the effects of the proposal would be fairly localised and would therefore amount to less than substantial harm to the CA and its setting.

Alternative sites

15. The purpose of the installation is to provide the appellant with new 5G coverage, thereby facilitating significantly improved connectivity. The Framework supports the provision of high-quality and reliable communications. Paragraph 118 states that planning decisions should support the expansion of electronic communications networks, including next-generation mobile technology (such as 5G) and full-fibre broadband connections. Paragraph 121 states, amongst other things, the application for a new mast or base station should be supported with evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structure.
16. I recognise that the abundance of mature trees within the area results in a taller monopole being required in order to ensure optimum coverage in the area. Therefore, the height of the installation is as short as it can be.
17. I accept the evidence in this case that the need for 5G coverage here is likely to be met by a new standalone mast installation. The appellant has undertaken an exercise to assess alternative new sites, which includes a number of rooftop and freestanding candidates in the locality. However, owing to the nature of the search area, I would have expected more site locations to be considered, particularly for ground based equipment along the busier roads in the locality, which have a more commercial character.
18. On the evidence before me therefore, I find that the site selection process has not been carried out with sufficient rigour or robustness to enable me to ascertain that there are no realistic opportunities to erect an installation in a different location where its siting and appearance would be less harmful.

Heritage balance/ Other considerations

19. Paragraphs 205 and 206 of the Framework state that great weight should be given to the conservation of heritage assets, and that any harm to, or loss of,

their significance should require clear and convincing justification. Paragraph 208 advises that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the development.

20. Additionally, paragraph 209, requires, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
21. The Framework advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It further provides that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G.
22. The proposal is necessary in order to increase network capacity and provide faster, more reliable connectivity in an urban area. It would offer extensive social and economic benefits to individuals, businesses, and public services. I am told that the combined value of 4G and 5G may well add £18.5bn to the economy by 2026. Digital inclusion can help people into employment, become more financially secure and improve their well-being. Better connectivity is essential to fulfilling the potential of new technologies. Increased network connectivity makes places safer and public services more efficient. 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.
23. I have considered the other appeal decisions¹ put forward by the appellant, which demonstrate the significant weight that should be given to the public benefits of telecommunications infrastructure and that they can be sited appropriately in residential areas.
24. Overall, I recognise that the proposed monopole is as short as it can be in order to ensure optimum coverage in the area. The public benefits of the scheme also attract significant weight in the balance.
25. The appellant has considered alternative sites. However, given the limitations of this assessment which I have identified above, this does not provide clear and convincing justification for harm which I have identified. Furthermore, the public benefits of the proposed installation do not outweigh the respective harms to the character and appearance of the area, including the CA and NDHA in this case, to which I assign considerable importance and weight.

Conclusion

26. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR

¹ APP/A1910/C/20/3256772; APP/A1910/C/20/3256773; APP/X5210/W/20/3254104 and APP/G4240/W/21/3268575