



Appeal Decision

Site visit made on 9 July 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/Q4245/W/24/3339326

B5213 Stretford Road, Stretford Road, Urmston, Manchester, Greater Manchester M41 9LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Circet (UK) against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 112084/TEL/23.
 - The development proposed is installation of a Valmont 20m high pole including 6no apertures and 3no shared apertures, followed by installation of 2no 0.6-meter dishes, 1no GPS node and associated equipment. Ground level works will involve installation of six cabinets and ancillary apparatus.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.
3. The description of development in the banner heading is taken from the decision notice as it more accurately describes the proposed development.
4. On 21 March 2024, after the appeal was submitted, the Council adopted the Places for Everyone Joint Development Plan Document (PfE) as part of its Development Plan. The Council have referenced the updated policies of the PfE in its statement, which the appellant has had an opportunity to comment on.

Planning Policy

5. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. 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 a material consideration relevant to matters of siting and appearance.

Main Issues

6. 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
 - 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

7. The appeal site is adjacent to Stretford Road (B 5213), in a mixed commercial and residential area. The mast and associated cabinets would be located to the rear of the footway and would be viewed in the context of the area of trees and viewed against the backdrop of the high level M60. There are existing examples of street furniture within the vicinity of the site, including a lamp post, signage and telecommunications cabinets.
8. The proposed mast would be substantially taller than the existing street furniture and the nearby trees. Whilst there is street lighting on the raised M60 which would be higher than the proposal, the mast would include apertures and dishes at its higher points. This additional bulk would appear excessive in scale when viewed in relation to the existing street furniture, surrounding dwellings and motorway bridge. Along with the accompanying cabinets it would add to the clutter of the area where there are already a number of items of street furniture and signage. In combination, the masts and cabinets would therefore appear as a prominent and imposing addition to the street scene.
9. I find that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area. Furthermore, insofar as it is a material consideration, it would conflict with Policy L7 of the Trafford Core Strategy and Policy JP-P1 of the PfE which together amongst other matters seek to ensure that development is appropriate in its context and respects the character of the locality in terms of design.

Living conditions

10. The rear of residential properties on Auburn Drive, including the gardens, face Stretford Road. Although the landscaping and trees along the rear boundary would screen the lower part of the proposed mast, due to its height and location it would form a highly conspicuous feature which would be imposing when viewed from the rear windows of the dwellings on Auburn Drive and particularly from within their rear gardens. It would be particularly harmful to the occupiers of the dwellings closest to the mast. 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.

11. I conclude that the development would harm the living conditions of neighbouring occupiers with particular regard to outlook. Insofar as it is a material consideration, it would conflict with Policy L7 of the Trafford Core Strategy which amongst other matters seeks to ensure that development does not prejudice the amenity of occupants of adjacent properties.

Need

12. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and in this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposed mast would provide 5G coverage and a number of potential benefits have been set out by the appellant. Reference has also been made to a number of Government documents that set out the importance of high speed digital communications infrastructure.
13. An exercise to assess alternative sites has been undertaken by the appellant. The appellant identified that during this process, no mast sharing or existing building structures were suitable and therefore, a new ground-based mast would be required. The options presented by the appellant were discounted for various reasons including the proximity of residential buildings, visibility splays, existing street furniture, lack of suitable grass verges and narrow pavements. However, I do not consider that sufficient evidence has been given to demonstrate that the alternative sites are unsuitable given the lack of detail to demonstrate that the impacts of the alternative sites would be greater than in relation to the appeal scheme.
14. For the reasons given, I cannot be certain that other suitable alternative sites have been fully and robustly considered. Accordingly, on the information before me, the need for the installation to be sited as proposed, taking into account any suitable alternatives, does not outweigh the identified harm that would occur to the character and appearance of the area due to the siting and appearance of the proposal.

Other Matters

15. 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.
16. The appellant has cited other appeal decisions in support of their case, although they had been omitted from the Statement of Case. They were requested from the appellant, however not all of the referenced appeals were submitted to me. The sections of the appeal decisions¹ which are reproduced in the appellants' statement address matters of character and appearance and not the impact on living conditions which is also relevant in this case.

¹ APP/L1764/W/18/3197522, APP/J4423/W/21/3268791, APP/K3605/W/19/3243927, APP/Q3305/W/18/3206555, APP/J4423/W/17/3188962, APP/Q3305/W/18/3206555

Consequently, I find that the other appeal schemes are not comparable with the scheme before me. In any event I have determined the appeal on the site specific circumstances of the case.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

H Senior

INSPECTOR