The Planning Inspectorate

Appeal Decision

Site visit made on 11 April 2019

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 8 May 2019

Appeal Ref: APP/B4215/W/19/3221338
Moston Lane DNS, Moston Lane, Manchester M9 4JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Class A, part 16 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by EE (UK) Limited and Hutchinson UK Limited against the decision of Manchester City Council.
- The application Ref 121933/TEL/2018, dated 21 November 2018, was refused by notice dated 17 January 2018.
- The development is described as proposed MBNL 20.00m-high Phase 5 Monopole to be installed on D9 root foundation and associated works.

Decision

1. The appeal is allowed and approval is granted under the provisions of Class A, Part 16 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting of proposed MBNL 20.00m-high Phase 5 Monopole to be installed on D9 root foundation and associated works at land at Moston Lane DNS, Moston Lane, Manchester M9 4JD in accordance with the terms of the application Ref 121933/TEL/2018, dated 21 November 2018, and the plans submitted with it.

Main Issue

2. The main issue is the effect of the siting and appearance of the proposed development with particular regard to the character and appearance of the area and the outlook for the occupiers of neighbouring properties.

Reasons

3. Class A, Part 16 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) provides that development by or on behalf of an electronic communications code operator for the purposes of the operator's electronic communications network in, on or under land controlled by that operator or in accordance with the electronic communications code, comprising, amongst other things, the installation of any electronic communications apparatus and development ancillary to radio equipment housing, is permitted development subject to conditions. It is common ground that the proposal falls within the scope of the GPDO.

4. Before beginning development, paragraph A.3(4) of Part 16 requires a developer to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development. The proposal is for the installation of a 20-metre high telecommunication monopole with thee associated antennae and two dishes. Related works including equipment cabinets would also be located at the appeal site to service the antennae and dishes.

5. The appeal site comprises a small area of land located between Moston Lane and the northern head of a cul de sac on Edward Street. The site is close to a few trees and a bus stop. Within a few metres there are several tall pine trees. The surrounding area is a mixture of residential, commercial and open space and is close to the cross roads where Clough Road and Ashley Lane meet Moston Lane. At the site, Moston Lane is subject to a 20mph speed limit.

6. The Council describes the area as an open space softened by three trees planted to provide a pleasant outlook for residents. However, the trees are planted at the head of the cul de sac which is a hard-surface area used for car parking. The nearest houses on Edward Street are orientated to look east and west and have only short front gardens, whereas the appeal site is to the north. Therefore, few if any windows of habitable rooms would look directly at the appeal site and rear gardens face away from it.

7. In the immediate vicinity there are several tall lampposts, including one either side of the appeal site, and telegraph poles, including one on the opposite side of Moston Lane. Within 50 or so metres there are also numerous traffic signs, the bus stop sign and traffic lights and therefore vertical structures are a common feature of the street scene. While the proposed monopole would be higher than existing vertical structures, with the possible exception of the taller pine trees, the preponderance of vertical structures in the vicinity means that the monopole would not appear alien or incongruous in the street scene and would not be unacceptably overbearing when viewed from the adjacent dwellings.

8. Therefore, the scheme would accord with Policies DM1 and SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document 2012, saved Policy DC17.1 of the Unitary Development Plan for the City of Manchester 1995, and the advice in the National Planning Policy Framework (the Framework) which together seek to ensure that telecommunications developments have regard to the character and appearance of the surrounding area in terms of siting and design and minimise any impact on residential amenity.

Other Matters

9. Given my conclusion on the main issue it is unnecessary to address whether alternative sites are available. However, it appears from the evidence before me that existing infrastructure is available elsewhere but is subject to a notice to quit so is incapable of continued use or upgrading. Two sites were identified for erection of a replacement mast. Detailed approval was refused for the first site before the appellant initiated the prior approval process for the current site.

10. Interested parties raised objections about safety and what would happen if the structure was hit by a vehicle. However, no compelling evidence has been

offered to show that there is any serious risk of collision and the road is subject to a 20mph speed limit. Concerns about vehicle collision would apply equally to telegraph poles and lampposts and I therefore attach little weight to this argument. I note that the Council's highway officer did not raise any concerns.

11. Concerns were also 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-Ionising Radiation Protection (ICNIRP). In these circumstances the Framework advises that health safeguards are not something which an Inspector 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 the Framework would be justified.

Conclusion

12. For the reasons given and taking account of all material considerations, I conclude that the appeal should be allowed

D Guiver

INSPECTOR