Appeal Decision

Site visit made on 19 January 2009

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date:
17 February 2009

Appeal Ref: APP/B4215/A/08/2088415
Pavement outside The Venue Public House, Lightbowne Road, Moston, Manchester M40 5HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by 02 (UK) Ltd against the decision of Manchester City Council.
- The application (Ref 086473/TEL/2008/N1), dated 18 April 2008, was refused by notice dated 17 June 2008.
- The development proposed is for the installation of a radio base station consisting of a 15m Flexicell pole, equipment cabinets and developments ancillary to.

Decision

1. I dismiss the appeal.

Main Issue

2. The effect of the proposal on the character and appearance of the local area.

Reasons

3. Lightbowne Road is a busy radial route which is home to housing, shops, and other local facilities. A number of very tall street lights dominate the pavement around the junction with Kenyon Lane, and this vertical emphasis is compounded by a cluster of traffic lights and signs. Nonetheless, the character and appearance of Lightbowne Road changes noticeably to the north of this junction in the direction of the proposed installation, where the road becomes wider and streetlighting is provided within a central reservation rather than on the pavement.

4. The Flexicell would have the appearance of a streetlight and its antennas would be contained within a cylindrical shroud. Nevertheless, it would be about 5 metres taller than the streetlights within the immediate vicinity in order to provide an effective signal, and it would be sited a considerable distance from the lighting and traffic signal columns concentrated around the main highway junction.

5. Moreover, the proposed installation would sit alongside a grassed area with a number of trees present along the pavement edge. I am of the view that this open area provides a welcome break from built development, and it makes a positive contribution to the street scene. Whilst the appellant argues that the trees would soften the 15 metre high installation, it would be much taller, and would be a very stark contrast. Furthermore, the trees would not successfully screen the two cabinets, and these would appear somewhat isolated from the existing benches and service cabinets located nearer to the highway junction, and visual clutter would be extended as a result.

6. A combination of the above factors leads me to the conclusion that the siting of the proposal would be isolated from the existing street furniture positioned closer to the highway junction, and it would be a stark contrast to the adjoining area of open space, even accounting for the trees. As such it would be overly dominant and detrimental to the character and appearance of this particular part of the street scene, and the application of a paint finish would not overcome these concerns. On this basis, I find the proposal contrary to policy DC17.1 of the Unitary Development Plan for the City of Manchester.

Other matters

7. In reaching my decision, I am satisfied that the coverage diagrams provided by the appellant company demonstrate a need for the installation to address 2G and 3G coverage gaps following the imminent removal of an installation at MANCAT College. I am also mindful that a search of 14 alternative sites, including mast sharing opportunities, has been undertaken and that none of the options identified were viable due to a variety of technical and acquisition difficulties. I accept that the other sites identified specifically for a ground based installation may be more visually sensitive than the appeal site. However, these are very limited in number and on the basis of the submitted evidence, I cannot discount the possibility that a more suitable site may have been overlooked. In any event, this argument does not alter or outweigh the substantial harm I have identified.

8. Strong concerns have been expressed about the possible effects of radio emissions on human health. However, the appellant company has followed the guidance of Planning Policy Guidance Note 8 *Telecommunications* (PPG8) and have certified that the installation would comply with ICNIRP guidelines. The guidelines in PPG8 are precautionary and were introduced in the light of research findings and the recommendations following the Stewart Report, which have largely been confirmed by the findings of the Swerdlow Report. Neither the Stewart Report nor PPG8 suggest any minimum distances between people living and working within proximity to a base station which meets ICNIRP guidelines.

9. PPG8 advises that if a proposal meets ICNIRP guidelines, it should not be necessary to consider further the health aspects of the development or any concerns which may be raised about such matters. From what I have seen and read, there is nothing unusual about the proposed installation either technically or in its location. Therefore whilst I acknowledge the genuinely held concerns, for the above reasons, I consider that they do not, in themselves, carry sufficient weight to justify the dismissal of this appeal.

10. I am satisfied that the outlook from nearby properties would not be unduly harmed because of their orientation and aspect in relation to the proposed installation. I can see no logical reason why the proposal would increase any problems of anti-social behaviour that may already occur within the local area. In the absence of any compelling evidence to the contrary, I am also satisfied that the installation would not threaten the longevity of the adjacent trees. Furthermore, due to the generous width of the pavement, the development would safeguard pedestrian flow and would not interfere with highway visibility.

Nonetheless, these positive aspects of the scheme do not alter or outweigh my concerns.

11. In light of the above factors, and having considered all other matters raised, the appeal must fail.

David Fitzsimon
INSPECTOR