



Appeal Decision

Site visit made on 23 January 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Appeal Ref: APP/B4215/W/23/3327044

Monsall Road Street Works, Monsall Road, Manchester M40 8AY

- 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 Gallivan (CK Hutchison Networks (UK) Ltd) against the decision of Manchester City Council.
 - The application Ref 135907/TEL/2023, dated 6 January 2023, was refused by notice dated 21 February 2023.
 - The development proposed is 5G telecoms installation: H3G 18m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matter

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.

Planning Policy

3. 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

4. The main issues are the effect of the siting and appearance of the proposed installation on:
 - highway safety with particular regard to pedestrian safety,
 - the character and appearance of the area, 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

Highway safety

5. The appeal site is located on Monsall Road in an area of mixed development, including residential, offices and light industrial uses. To the rear of the site is a high wall with a paved area to the front of it, adjoining the footpath. This area does not form part of the highway. There are existing examples of street furniture within the vicinity of the proposal.
6. The location of the mast and accompanying equipment cabinets would be within 2 metres of the edge of the highway, which the Local Highway Authority would find unacceptable. With the presence of an existing cabinet to the rear of the footway and the lighting column to the front nearer the highway, the installation of the proposed mast and cabinets would restrict the width and narrow the available footway, creating an obstruction for pedestrians, particularly for those with limited mobility or with pushchairs. As the paved area is not within the highway, this cannot be relied upon for pedestrians to use in the future although I accept that I do not have any evidence of any alternative proposed uses for it. Even so, the remaining area of accessible footway would be reduced.
7. I find that the siting of the proposed development would result in unacceptable harm to highway safety with particular regard to pedestrian safety. Insofar as they are a material consideration, it would conflict with Policies SP1 and DM1 of the Manchester Core Strategy 2012 (CS) and Policy DC17 of the Unitary Development Plan for the City of Manchester 1995 (UDP) which, amongst other matters, seek to ensure that proposals consider the needs of all members of the community and promote walking.

Character and appearance

8. The proposal would be located within the footpath, and with the paved area to the rear, would have the appearance of being in the centre of the open area. The mast and accompanying cabinets would therefore appear as a prominent and imposing addition to the street scape.
9. In the vicinity of the proposal there is a lamppost but no other street furniture or trees of significant height. The building to the rear would be lower than the proposed mast, which with the additional bulk at its highest point would appear excessive in scale when viewed in relation to the existing buildings and create clutter with the presence of the existing street furniture.
10. I find that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area. Insofar as they are a material consideration, it would conflict with Policies SP1 and DM1 of the CS and Policy DC17 of the UDP which together amongst other matters seek to ensure that development is appropriate in siting, scale and appearance and has regard to the character of the area.

Need

11. 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.

12. 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, new base stations were necessary. Whilst the options presented by the appellant were discounted due to the proximity of residential development, unsuitable pavements, the proximity of the railway bridge and visibility splay issues, I do not consider that sufficient evidence has been given to demonstrate that the alternative sites are unsuitable.
13. 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 highway safety and the character and appearance of the area due to the siting and appearance of the proposal.

Conclusion

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

H Senior

INSPECTOR