



Appeal Decision

Site visit made on 4 September 2023

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Appeal Ref: APP/G4240/W/23/3319540

Ashton Road, Hyde, Tameside

Grid Reference Easting 395363, Grid Reference Northing 395775

- 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 Mr Gallivan, CK Hutchison Networks (UK) Ltd, against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 23/00016/NCD, dated 6 January 2023, was refused by notice dated 23 February 2023.
 - The development is proposed 5G telecoms installation: H3G 18m street pole and additional equipment cabinets.
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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 (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.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan¹ 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.
4. The appeal site is located on Ashton Road rather than Ashley Street, and this is reflected in the heading above.

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, 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.

¹ Including Policies U2 and C1 of The Thameside Unitary Development Plan (2004)

Reasons

Character and appearance

6. The appeal site comprises a grass verge adjacent to the footpath on Ashton Road, close to the junction with Ashley Street. The site is not located within a conservation area. The grass verge contains trees and there are street lights nearby. There are also residential buildings, which are two and three storeys, and playing fields within the surrounding area. There is limited street furniture in the vicinity of the site which results in a sense of spaciousness.
7. The equipment would consist of a 18m high monopole with built-in wraparound cabinet which would sit alongside three additional equipment cabinets. The monopole and cabinets would be coloured grey. In making my decision I am mindful that the mast is the lowest required for the improved 5G service need identified in the area. The appellant asserts that the equipment cabinets are deemed permitted development. Nonetheless, the proposal before me relates to the whole installation.
8. The proposed installation would be significantly taller and bulkier than the nearby trees and street lights. The nearby trees and street lights would not notably reduce the visual impact of the proposal due to the height of the monopole. In addition, the monopole would also be noticeably taller than nearby buildings, and the installation would be at some distance from those buildings.
9. As a result of the schemes height, siting and bulk, it would be highly visible and result in a dominant feature in this part of Ashton Road and when viewed from Ashley Street, as well as nearby residential properties. The installation would be at odds with the predominantly residential character and appearance of the surrounding area. It would erode the spaciousness of this part of Ashton Road and would add visual clutter. Thus, the scheme would be an incongruous addition to the streetscene, and it would not blend in with the surroundings. For these reasons, due to its siting and appearance, the proposed installation would harm the character and appearance of the area.

Suitable alternatives

10. Paragraph 117 of the Framework sets out that applications, such as that proposed, should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
11. The appellant outlines the sequential approach. Following a desktop analysis and physical search of the intended target/search area, they considered that the proposed site was the most suitable. The 'Site Specific Supplementary Information and Planning Justification Statement' details the other potential locations which were reviewed and subsequently discounted.
12. However, little detail has been provided regarding how the search for alternative sites was carried out or how sites were selected for further consideration. The Council has highlighted there is no discernible difference between the current proposed location and the discounted sites, noting the close proximity of residential properties within the surrounding area. Nonetheless, I recognise that those sites were discounted due to the high-

density residential nature of the location and the narrow nature of the pavements, rather than just because of the residential nature of the area.

13. The Council has suggested alternative locations (such as the junction of Ashton Road and Clarendon Road, Clark Way, Almond Way, Station Road, and Mill Street) which could be further explored/considered. I understand these locations are situated more remotely from residential properties, and a telecoms pole in these locations could be viewed against the backdrop of buildings and high trees/hedges. The appellant has not robustly detailed why such locations would not be appropriate.
14. Consequently, based on the evidence presented, I am not satisfied that the appellant has conducted a thorough review of possible options within the search area or adequately explored whether there may be less harmful alternative sites. As such, the harm I have identified above is not outweighed by the need for the installation to be sited as proposed.

Other Matters

15. The appellant has raised a range of other matters including economic and social benefits of providing enhanced and improved telecommunications infrastructure, the importance of reliable and efficient digital communications which is essential for sustainable economic growth. In addition, an overview of telecommunications, parts of the Framework, ICNIRP certificate, cell areas are generally very constrained, as well as a letter from the Department for Digital, Culture, Media and Sport. However, these matters do not justify the harm identified above.

Conclusion

16. I have found that, due to its siting and appearance, the proposed installation would have a harmful effect upon the character and appearance of the area. The harm I have identified is not outweighed by the need for the installation to be sited as proposed or the other matters highlighted (including benefits of the scheme).
17. For the reasons given above, I conclude that the appeal does not succeed.

L Wilson

INSPECTOR