



Appeal Decision

Site visit made on 20 April 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2021

Appeal Ref: APP/G4240/W/20/3265228

Greenside Lane, Droylsden, Manchester M43 7UT

- 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 Order) (England) Order 2015 (as amended).
 - The appeal is made by MBNL against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 20/00874/NCD, dated 4 September 2020, was refused by notice dated 5 November 2020.
 - The development proposed is described as a telecommunications upgrade. Proposed 20m AGL Phase 8 monopole c/w wrap-around cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended), for the siting and appearance of a telecommunications upgrade. Proposed 20m AGL Phase 8 monopole c/w wrap-around cabinet at base and associated ancillary works, at Greenside Lane, Droylsden, Manchester M43 7UT in accordance with the terms of the application Ref 20/00874/NCD, dated 4 September 2020, and pursuant to the above Order.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 16, Class A 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 principle of development is established by the GPDO and the provisions of Article 3(1) and 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 plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the appeal proposal on the character and appearance of the area, with particular regard to its siting and appearance.

Reasons

5. The appeal site is located within the public footway, on a main route through Droylsden. The neighbouring cemetery and green space provide some visual relief within what is an otherwise built up residential street scene. The overall scale of development here tends to be of 2 storeys.
6. Other street furniture exists within this urban street scene, including existing telecommunications equipment, lamp columns, road signs and decorative planters. These have a vertical emphasis, albeit they are lower in height to the appeal proposal. Nonetheless, mature trees located along the edge of this route extend above the existing surrounding built form and provide a greater sense of height against the skyline.
7. The proposed equipment cabinets would not be dissimilar in appearance, size and position within the footway than others in the surrounding area. They would not extend above the height of the adjacent boundary enclosure to the cemetery and would be read with it. Consequently, whilst evident, they would not be unduly intrusive within this street scene.
8. The proposed monopole would be a simple linear design. The antennas and other apparatus attached to the column would be packaged in a compact arrangement. Nonetheless, it would be taller than the surrounding physical features within this street scene.
9. The appeal proposal would be situated within a break in the existing tree cover along this street. Beyond the cemetery, other mature trees and buildings form an urban backdrop to the appeal site. When viewed from Greenside Lane, the proposed monopole would be read with these, alongside the spired cemetery building which already breaks into the skyline.
10. Furthermore, the overall height of the existing tree canopy would provide a transition between the height of the existing built form and that of the appeal proposal.
11. Collectively, the design and siting proposed would sufficiently mitigate the visual impact of the appeal proposal when viewed in any direction. The submitted evidence does not indicate that the appeal proposal would affect any designations which would render the appeal site overly visually sensitive to change. Although the appeal proposal would change the aspect of the area, this would not be of a nature or to a degree which would cause unacceptable visual consequences.
12. Paragraph 112 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and that decisions should support the expansion of electronic communications networks, including mobile technology such as 5G.
13. Insofar as it is associated with the roll out of 5G coverage, the social and economic public benefits of the appeal proposal are clearly conveyed. The submitted evidence does not demonstrate a basis to dispute these.

14. Moreover, the submitted evidence clearly demonstrates that there are technical constraints which determine the siting and appearance of the appeal proposal. Paragraph 116 of the Framework states that the need for electronic communication systems should not be questioned. From the evidence before me, I have no reason to doubt that the proposed monopole would be the minimum height required for adequate network coverage.
15. For all of these reasons, the appeal proposal would not impose harm on the character and appearance of the area, with particular regard to its siting and appearance.
16. In the absence of harm, the appeal proposal does not conflict with Policy 1.3, Policy 1.11, Policy C1 or Policy U2 of the Tameside Unitary Development Plan.

Conditions

17. Approval under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
18. The GPDO does not provide any specific authority for imposing additional conditions beyond those set out by Class A. Therefore, I cannot impose a condition to require the removal of an existing nearby installation. Cumulatively, due to its visual relationship with the appeal proposal, its continued existence would not in itself alter my assessment.

Conclusion

19. For the reasons given, the appeal should be allowed, and prior approval granted subject to the relevant conditions specified.

C Dillon

INSPECTOR