



Appeal Decision

Site Visit made on 1 June 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/G4240/W/21/3268575

Town Lane SW, Dukinfield SK16 5PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Telefonica UK Ltd against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 20/00859/NCD, dated 28 August 2020, was refused by notice dated 30 October 2020.
 - The development proposed is installation of a 17.5m slim-line column supporting 6 no. antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto including a GPS module and 3 no. Remote Radio Units (RRUs).
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Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for installation of a 17.5m slim-line column supporting 6 no. antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto including a GPS module and 3 no. Remote Radio Units (RRUs) at Town Lane SW, Dukinfield, SK16 5PN in accordance with the terms of the application, Ref 20/00859/NCD, dated 28 August 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Maps; Proposed Site Plan; Proposed Site Elevation.
 - 2) The mast and all equipment housing of the proposed cabinets hereby approved shall be colour coated Burgundy(O4D45) Antique Gold as per street furniture within Dukinfield. The equipment shall be retained in that colour at all times thereafter.

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, requires 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.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The area surrounding the appeal site is characterised predominantly by residential properties of traditional design and sizes as well as some commercial buildings and a day nursery which is adjacent to the site. The site is located within close proximity to a number of highway junctions including the roads of Town Lane, Bates Street, Foundry Street and Crescent Road. The area has common street furniture paraphernalia including street lighting, road signs, bus stops, trees, bollards and an existing monopole telecommunications mast with associated equipment cabinets.
5. The proposal would be taller than the majority of structures and buildings in the area. However, telecommunication structures are common features in built up areas and the proposal, whilst being visible, would not necessarily be highly noticeable as it would blend in with similar structures such as street lighting and the existing monopole mast.
6. The proposed monopole structure would be taller and thicker, including exposed antennas, dishes and RRUs, compared to the existing street lighting and existing monopole structure in the area. The proposed monopole would not be a bulky structure though and would assimilate well with the existing high structures in the area when viewed against the surrounding skyline. The antennas, dishes and RRUs would be slim line features and not protrude significantly from the main monopole structure. The proposal including the antennas, dishes and RRUs would not have a cluttered appearance or be visually intrusive to the surrounding area.
7. The proposed equipment cabinets, including the monopole structure, would be positioned to the rear of the footpath and there would be minimal opportunity for them to be screened by vegetation. Nevertheless, these types of equipment cabinets are not uncommon features on public footpaths and would be similar in nature to existing cabinets in the area including the cabinets associated with the existing monopole. The scale and design of the equipment cabinets are modest, they would be in keeping with similar structures in the area and would not have a detrimental effect on the appearance of the street scene. Due to positioning of the equipment cabinets and the monopole, there would be sufficient space on the footpath to ensure that they do not become an adverse obstruction to pedestrians.
8. Collectively, the elements of the proposal would be visible in the surrounding area including views from Town Lane, Crescent Road and Foundry Street. Although due to its design, siting and bulk, it would not introduce an incongruous feature that would be at odds with the established character and appearance of the area.
9. Accordingly, the proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal accords with U2 and C1 of the Tameside Unitary Development Plan Written Statement 2004 and the National Planning Policy Framework which seek development for telecommunications to have no unacceptable impact on appearance of buildings and townscape, and to minimise visual impact.

Other Matters

10. I have had regard to concerns raised from local residents which include matters on health issues, trees, nearby war memorial, pedestrian obstruction, living conditions of neighbouring occupiers including outlook and discrepancies on submitted information. I have given careful consideration to these matters, some of which the Council have not raised any objections to, but they do not lead me to a different conclusion on the main issue nor do they amount to harm in which would justify withholding consent.

Conditions

11. Beyond the standard conditions which are imposed by the Town and Country Planning (General Permitted Development) Order 2015, I consider it necessary to add a condition relating to the identification of plans to provide certainty and clarity as well as a condition relating to colour finish in the interests of character and appearance.
12. The Council had suggested a time limit condition of three years however, the standard conditions in the Town and Country Planning (General Permitted Development) Order 2015 refer to a five years time limit condition. I am satisfied that a five year time limit is reasonable and necessary.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Chris Baxter

INSPECTOR