



Appeal Decision

Site visit made on 17 January 2023

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/G4240/W/22/3307835

St Lawrence Road, Denton, Tameside M34 6DF

- 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 CK Hutchison Networks (UK) Ltd against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/00441/NCD, dated 28 April 2022, was refused by notice dated 21 June 2022.
 - The development proposed is a 5G telecoms installation: H3G Phase 8 20m high street pole, c/w wrap-around cabinet and 3 further additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The principle of development is established by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the proposal solely based on its siting and appearance, taking account of any representations received. I have determined the appeal on the same basis. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless had regard to the policies of the development plan 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

3. The main issues are:
 - the effect of the siting and appearance of the proposal on the character and appearance of the area and the setting of the nearby Grade II* listed building; and
 - if there is any harm, whether this would be outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

Reasons

Character and Appearance

4. The appeal site comprises an area of pavement close to the junction of St Lawrence Road and Stockport Road. It is adjacent to a small, landscaped public open space that contributes positively to the character and appearance of the area through the introduction of a green space in what is a densely built-up location. Nearby dwellings are predominantly two storeys in height. The Chapel House pub is a fairly substantial detached property across St Lawrence Road from the site. Vertical structures in the form of streetlights of regular height and spacing are apparent in the streetscape along St Lawrence Road, with taller ones along Stockport Road.
5. Although there are trees sporadically located on the adjacent open green space, these would provide no meaningful screening of the proposal. The monopole would be clearly visible within the immediate vicinity and from vantage points along St Lawrence Road for a considerable distance. Although the existing built form would provide some screening to the lower parts of the monopole from more distant vantage points including along Stockport Road, it would still appear conspicuously tall.
6. The monopole would appear as an obviously engineered feature of a significantly greater scale and bulk than the existing vertical structures in the area. The large size and utilitarian appearance of the monopole would appear out of scale and dominant within its context and would not sit comfortably within the streetscape. The site's location adjacent to the green space, which has a pleasant and open character and appearance, would exacerbate the visual dominance of the monopole.
7. Notwithstanding that the associated ancillary equipment cabinets may be within the size limits to be classified as permitted development without prior approval, they are shown on the plans and within the specification and would not be required if it were not for the proposed monopole. The cabinets and monopole would create a degree of clutter that would contrast with the well-spaced street furniture visible in the context of the street corridors and the open character of the adjacent green space.
8. The appearance of the proposal would not be mitigated by painting the equipment grey, which would not alter the fundamental issue of its scale, height and siting.
9. Accordingly, I conclude that the proposal would be an incongruous feature that would adversely affect the character and appearance of the area. Therefore, insofar as they are a material consideration, the proposal would conflict with the aims of Policies C1 and U2 of the Tameside Unitary Development Plan, adopted 2004 (the UDP). Amongst other matters, these policies seek to ensure that developments understand and respect the character and appearance of the Borough and require telecommunications development to be sited and designed so as to minimise its visual impact and result in no unacceptable impact on the appearance and amenity of buildings or townscape. Further conflict would arise with the Framework's aims for high quality design.

Setting of the Nearby Listed Building

10. The Church of St Lawrence (list entry no. 1067971) (the Church) is a Grade II* listed building that sits across Stockport Road from the site. Its significance as it relates to the proposal is derived mainly from its vernacular ecclesiastical multi-phased architecture, being an early survival at core of a late Medieval timber framed church, extended in the 19th century, and the evidence it provides of this architectural style, materials and building techniques that have developed over a considerable period of time.
11. The Church is visible and quite prominent from a distance to the south on Stockport Road, and given its location, it forms the central focus in views along much of St Lawrence Road. It is set within its own grounds with a low stone wall and relatively tall trees along much of its boundary. The Church's setting is influenced by the sense of openness around it, including at the junction of St Lawrence Road and Stockport Road which results in a large part from the green space adjacent to the site. This openness adds to the prominence of the Church within the streetscape. The green space frames views of the Church and gives it and the surrounding area a more verdant character, distinct from the densely built-up nature of the surrounding area. The green space therefore contributes positively to the setting of the listed building.
12. The monopole would form a highly conspicuous feature in views towards the Church from much of the length of St Lawrence Road, from nearby vantage points on Stockport Road, and looking outwards from it. Irrespective of the proposed colour, the monopole would appear as an obtrusive modern and utilitarian feature that would intrude into the setting of the listed building and would draw the eye away from it. As a result, the monopole would visually compete with the Church, would diminish its stature within the streetscape and would erode its open setting. It would therefore harm the significance of the Grade II* listed building.
13. In terms of the Framework, I assess the harm to the listed building as less than substantial. That is as only part of its setting would be affected. Even so, less than substantial harm does not equate to a less than substantial planning objection, especially where national policy expectations for conserving such assets have not been met. In such circumstances, paragraph 202 of the Framework states that the harm should be weighed against the public benefits of the proposal.
14. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The proposal would allow for the construction of infrastructure which would enable the roll out of 5G coverage, enhance network speeds and connectivity within the surrounding area. It would therefore contribute towards the Framework's objective of supporting high quality communications infrastructure such as 5G. Those implications may be considered public benefits and carry moderate weight in favour of the proposal.
15. Paragraph 199 of the Framework states that great weight should be given to the heritage asset's conservation, and the more important the asset, the greater the weight should be. Paragraph 200 requires clear and convincing justification for any harm to or loss of significance of a designated heritage asset. Consequently, the harm I have identified to the significance of the Grade II* listed building, which the Framework identifies as a heritage asset of the

highest significance, attracts considerable weight against the proposal. Given the weight that I attach to the public benefits, these would clearly not outweigh the harm that would be caused.

16. Consequently, insofar as they are a material consideration, the proposal would conflict with the requirements of Policies C1 and U2 of the UDP as described above, as well as UDP Policy C6 which states that development which fails to preserve, or detracts from, the setting of a Listed Building will not be permitted. There would also be conflict with the heritage aims of the Framework, the most relevant of which have been summarised above.

Alternative Sites

17. I recognise that the 5G cell search area is constrained, and that the location has been selected to be close to those who would benefit from the technology. I also appreciate that there may be a relatively limited number of site options given that the search area is densely populated, and that efforts have been made to avoid locating the proposal directly in front of residential properties, at sites where pedestrian use of the pavement would be adversely affected, or within designated areas. However, given the harm that I have identified, in particular to the significance of a Grade II* listed building which is a heritage asset of the highest significance, I need to be satisfied that alternatives have been thoroughly explored.
18. The Framework requires that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored.
19. The appellant refers to a sequential approach having been undertaken. While it is stated that all attempts to utilise existing structures have been employed, there is no detail provided in evidence of which other operators' sites or other buildings and structures have been considered or why they were ruled out. Four other ground level sites were considered, all of which appear to relate to public highway land. However, only limited information has been provided as to why these sites were discounted. In addition, the appellant does not advise why the discounted sites would be more harmful than the appeal site.
20. I am mindful that there is a limit to how far an operator can reasonably be expected to go to demonstrate no other less intrusive or harmful sites are available. However, the information before me does not provide sufficient explanation of the site selection process, and I am not satisfied that all alternative, potentially less harmful options have reasonably been explored and therefore that no more suitable sites are available.
21. Consequently, I conclude that the harm I have identified to the character and appearance of the area and to the setting of the nearby Grade II* listed building is not outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

Conclusion

22. For the above reasons, having had regard to all matters raised, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR