



Appeal Decision

Site visit made on 26 September 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 01 November 2023

Appeal Ref: APP/P4225/W/23/3315713

Land at Harbour Lane North, Rochdale OL16 3LQ

- 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 Rochdale Metropolitan Borough Council.
 - The application Ref 22/01477/TELE, dated 18 November 2022, was refused by notice dated 12 January 2023.
 - The development proposed is 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading above is taken from the Council's decision notice as it more accurately reflects the location of the appeal site.
3. 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.
4. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I therefore have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to the matters of siting and appearance.

Main Issue

5. The main issues are:
 - the effect of the siting and appearance 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.

Reasons

Character and appearance

6. The proposed equipment would be located along the back edge of a wide footway on Harbour Lane North, alongside a post and rail fence and a row of trees located to the south. The surrounding area is mixed in use and character with large commercial buildings to the south and modest residential properties to the north. The appeal site is at the edge of a more open area with a car park directly opposite. There are a number of streetlights and telegraph poles within the vicinity of the appeal site which provide features with a more vertical emphasis. The appeal site is not within a conservation area or any other built environment designation.
7. Views of the appeal site are possible from the surrounding roads and footways including Elizabethan Way, when emerging on to Hill Lane to the west, Bridge Street and Rochdale Road to the north as well as from Harbour Lane North itself. At the time of my site visit the area was busy with both vehicular traffic and pedestrians.
8. The appellant asserts that a 20m high mast is required to provide the 5G services and that the proposed equipment is simple in appearance and designed to cover the smaller cell areas, located in urban locations alongside public roads.
9. Despite the proposed grey colour finish, the monopole would be significantly more prominent than any of the existing vertical features which it would be seen alongside. Whilst located at the edge of the open area, it would be significantly taller than the existing vertical features and the adjacent commercial buildings already present. The proposal would also be bulkier than that of the nearby streetlights and telegraph poles.
10. The adjacent trees that run along the boundary to the south along with the adjacent commercial building would screen the lower part of the monopole and the entirety of the cabinets in views from the south. However, the upper part of the monopole would still be visible in these views. The whole of the monopole would be visible when approaching from the north along Rochdale Road and when moving along Harbour Lane North towards the appeal site. The proposal would therefore, given its height and comparable bulk, be visually dominant resulting in a feature that would not respond positively to its local context.
11. Given the limited scale and the positioning of the proposed equipment cabinets, that part of the proposal would be discreet in the wider street scene and would not result in a harmful impact on the character and appearance of the area.
12. Notwithstanding my findings regarding the proposed cabinets, for the above reasons, I find that the siting and appearance of the proposal would harm the character and appearance of the area. Policies P1, P3 and DM1 of the Rochdale Adopted Core Strategy October 2016 are material considerations as they relate to issues of siting and appearance, and I find that the proposal would be contrary to them.
13. These policies seek, amongst other things, to ensure that proposals achieve high standards of design and that they take the opportunity to enhance the

quality of the area. In this regard the proposal would also be contrary to the relevant paragraphs of the Framework.

Alternative sites

14. There is a clear need for, and importance of, the rollout of the 5G network. The proposal would provide new and enhanced 5G coverage and network capacity within the area and the equipment must be located somewhere. However, as I have found that the proposed siting would cause harm to the character and appearance of the area it is necessary to consider whether other, less harmful, options may be available.
15. Paragraph 117 of the Framework advises 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 applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
16. A sequential approach to site selection within an identified search area has been carried out. I have no evidence before me to dispute that mast sharing and the use of buildings are not viable alternatives within this area.
17. Four other sites (D1-D4) for the positioning of a new mast were discounted by the appellant for a combination of amenity and pedestrian and highway safety reasons. Whilst I recognise that there may be limitations in respect of some of the alternative sites, the reasons given for discounting them are brief and unsupported by any further evidence to suggest why they would be more harmful than the appeal scheme or are not viable.
18. I recognise that the search area is constrained due to coverage requirements. However, it has not been adequately demonstrated why these were the only possible locations assessed within the search area. No detailed supporting information to fully corroborate that an exhaustive search of all possible sites was undertaken has been provided. For example, no other alternative sites in or adjacent to the southern part of the search area were assessed to see if there were any potential options within the commercial area.
19. In the absence of clear and persuasive evidence as to why alternative sites have been discounted or why other parts of the search area have not been considered, I am unable to establish that the appeal scheme is the most suitable in its siting and appearance.

Other Matters

20. The appellant has provided information about the Government support for digital connectivity. They have identified that the proposal would support economic and social objectives, and deliver benefits in these regards.
21. The proposal would not impede on the pedestrian use of the footway given its generous width.
22. The appeal site is removed from the nearest neighbouring residential properties on Bridge Street which are located to the north of the car parking area opposite. The property that fronts on to Harbour Lane North is orientated so that principal views are across the car park and the road, although views would be possible towards the appeal site in the periphery.

The distance from the appeal site and the orientation of the nearest property mean that the proposed siting would not have a harmful impact on the amenity of the occupiers of nearby residential properties.

Conclusion

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

G Dring
INSPECTOR