



Appeal Decision

Site visit made on 6 February 2024 by T Bennett BA (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Appeal Ref: APP/P4225/W/23/3323005

Area of Footpath, Hogarth Road and Daventry Road Junction adjacent to No. 2 Hogarth Road, Rochdale, OL11 2QS

- 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 22/01490/TELE, dated 22 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.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The National Planning Policy Framework 2023 (the Framework) was published after the appeal was made. The parts most relevant to the appeal have not however substantively changed from the previous version. The main parties' position at appeal or their respective cases would not therefore be prejudiced by me not seeking further comments thereon from either.
4. Paragraph A.3(4) of the above mentioned legislation requires an assessment of the proposed development solely on the basis of its siting and appearance, taking into account any representations received. I have considered the appeal accordingly. In addition, I have had regard to the relevant policies of the Rochdale Adopted Core Strategy 2016 (CS) in so far as they are a material consideration relevant to the main issues. I have also had regard to the Framework and its stance on supporting high quality communications.

Main Issues

5. 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.

Reasons for the Recommendation

Character and Appearance

6. The installation would be in a visually prominent position at a crossroads on an open corner of Hogarth Road and Daventry Road, along the back edge of the wide footway. This section of the footway is in front of a small, grassed area containing several tall trees. The surrounding area is residential with a mix of two and three storey properties. Vertical structures are primarily lampposts, telegraph poles, trees along Daventry Road, and signage below the height of surrounding properties. There is therefore a pleasant consistency to scale in the area which accordingly contributes positively to its character and appearance.
7. The street pole would be 20 metres tall, stated to be the minimum height needed to bring the benefits of 5G to the area and would be of a slimline design. However, it would be significantly taller than the existing vertical structures and surrounding residential properties. Whilst the pole would not be sited directly in front of a residential property, it nevertheless would be highly visible in long range views along Daventry Road and from surrounding streets, where the starkly contrasting scale relative to the surrounding dwellings would be particularly apparent.
8. Despite the presence of nearby trees, their limited height would be insufficient to effectively screen the proposed development, as the upper part of the pole would still protrude significantly above the canopy. This visual impact would be more prominent during the winter months when the trees are not in leaf. Whilst the grey colour of the pole would offer some visual mitigation, it would not be sufficient to adequately disguise its height. Consequently, due to its siting and height, it would be conspicuously prominent and would appear out of scale with the immediate surrounding residential context. It would therefore appear as an incongruous and obtrusive addition to the area.
9. Given the limited scale of the proposed equipment cabinets and their positioning alongside existing ones, that part of the proposal would be acceptable. That said, the siting and appearance of the pole would have an unacceptably harmful effect on the character and appearance of the area in the manner I have set out. Accordingly, it would be contrary to Policies P1, P3 and DM1 of the CS. It would also conflict with Section 12 of the Framework which, along with the cited policies, seek high quality and contextually appropriate design and appearance to new development.

Alternative Sites

10. Paragraph 121 of the Framework requires that information is provided to justify the proposed development. In relation to a new mast, this includes evidence of the exploration of erecting antennas on an existing building, mast or other structure. In this case, there are no opportunities for such, therefore, a new mast is the only option to provide the required coverage.
11. The appellant has investigated five other sites and has discounted them primarily because of limited pavement space and overhead cables. However, the reasoning set out in the Site Specific Supplementary Information is very limited with little substantive evidence provided as to why they would not be viable or why they would be more harmful than the appeal scheme.

Additionally, it fails to adequately demonstrate why these sites were the only possible locations assessed within the search area. The appeal site is within close proximity to a more commercial area towards the bottom of Daventry Road and other open areas which do not appear to have been included within the alternative site assessment.

12. 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 whether more suitable sites might reasonably be available. Consequently, I am not satisfied that suitable alternatives have been comprehensively explored, nor that the requirements of paragraph 121 of the Framework have been fully met.

Other Matter

13. I recognise the economic and social benefits that 5G communication would bring for both businesses and individuals. However, under the provisions of the GPDO I can only consider the matters of siting and appearance and therefore these benefits are not determinative.

Conclusion and Recommendation

14. The siting and appearance of the proposed installation would have an unacceptably harmful effect on the character and appearance of the area. Given suitable alternatives have not been properly explored, this harm is not outweighed by the need for the installation in the location proposed. As such, I find the siting and appearance of the proposed development to be unacceptable. I therefore recommend that the appeal should be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR