

Appeal Decision

Site visit made on 1 February 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2024

Appeal Ref: APP/P4225/W/23/3322575

Kilworth Street Street Works, Kilworth Street Rochdale, OL11 3PJ

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cooke of CK Hutchison Networks (UK) Limited against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 23/00138/TELE, dated 8 February 2023, was refused by notice dated 3 April 2023.
 - The development proposed is described on the application form as 'proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is no dispute between the main parties that the proposal satisfies the limits to permitted development set at Paragraph A.1 to Class A of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). Paragraph A.3 requires that before development can commence a determination be made as to whether prior approval will be required as to the siting and appearance of the development.
3. The reason for refusal refers to a conflict with policies of the development plan. However, the principle of this development is established by the GPDO and the relevant provisions of Part 16 do not require regard be had to the development plan. I have nonetheless had regard to the development plan policies and the National Planning Policy Framework (the Framework) only insofar as they are a material consideration relevant to matters of siting and appearance.
4. The Government published a revised Framework in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. Therefore, I am satisfied that there is no requirement to seek further submissions from the main parties on the revised Framework.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposal on the character and appearance of the area and, if any harm would occur, whether this would be outweighed by the need to site the installation in the location proposed, having regard to the potential availability of alternative sites.

Reasons

Character and appearance

6. The appeal site relates to a section of the footway at the eastern end of Kilworth Street close to the junction with Manchester Road and New Barn Lane. Manchester Road is a busy dual carriageway which leads into and out of Rochdale Town Centre. The surrounding area is predominantly residential and is characterised by two storey dwellings in a variety of sizes and styles. Items of street furniture are an established part of the area, including street lighting columns, traffic lights and road signs. The large grass verge immediately to the west of the site contains several trees and shrubs which provide some greenery and contribute positively to the character and appearance of the area.
7. The proposal is intended to provide new 5G network coverage to the area around Kilworth Street. It would consist of a street pole and associated equipment cabinets positioned at the western edge of the footway close to the grass verge. The street pole would rise to a height of 20m and be coloured grey.
8. From Manchester Road, New Barn Lane and Kilworth Street, and the well-used footways in the area, the proposed street pole would be highly visible due to its significant height and prominent siting. Whilst there are other vertical features within the surrounding area, the street pole would be around double the height of the nearby street lighting columns and also taller than the trees situated on the adjacent grass verge. It would also appear disproportionately high and dominant relative to the nearby two storey properties. The street pole would also be notably wider than the slimline street lights and traffic lights and consequently would draw the eye, and result in the proposal appearing as a bulky structure at odds with existing street furniture.
9. The proposal would be seen partly against the backdrop of the mature trees within the verge. The trees would also provide some screening of the street pole from certain views along Manchester Road. However, the upper part of the street pole would still be prominent and the screening provided by the trees would not be as effective during periods of reduced leaf cover in the autumn and winter months. Its grey colour would reduce the visual impact of the upper part when viewed against the sky, however this would not sufficiently mitigate the adverse impact, which would arise chiefly as a result of its siting and scale.
10. The appeal site is not within a conservation area. Given its proposed siting, I also acknowledge that the proposal would not be significantly harmful to the outlook of the occupiers of neighbouring properties. I nonetheless consider that the proposal would be harmful to the street scene. Its utilitarian appearance would not be sympathetic in the context of the adjacent green space. I am mindful that the height of the proposed street pole must be sufficient to provide the required coverage, but it would nevertheless be an overly prominent, dominant and incongruous feature.
11. For the above reasons, I conclude that the siting and appearance of the proposal would be significantly harmful to the character and appearance of the area. I have taken into account Policies P1, P3 and DM1 of the Rochdale Core Strategy (2016), which, amongst other things, seek to ensure that development is of high-quality design that respects context where it is positive, having regard to scale, massing, height, layout and materials. Given my conclusion on this main issue, the proposal would conflict with these policies and with Framework

paragraph 119, which requires new electronic communications equipment to be sympathetically designed and camouflaged where appropriate.

Alternative sites

12. Applications for telecommunications development should be supported with the necessary evidence to justify the proposal in accordance with Framework paragraph 121. The appellant has adopted a sequential approach to site selection involving a desktop survey and a physical search of the cell area.
13. Six alternative sites were considered by the appellant but subsequently discounted. The information before me is limited to a map of the cell search area, the locations of the discounted options and an explanation as to why each of the alternatives is unsuitable. The main reasons for discounting these alternatives refer briefly to proximity to residential properties, narrow pavements, the presence of overhead cables, and visibility splay issues. There is little detail on how the search for alternative sites was carried out or how sites were selected for further consideration. Consequently, the assessment of alternative sites lacks sufficient detail, and the scheme before me is also close to residential properties. No substantive evidence has been provided to show that adverse impacts would take place or that locations within the identified alternative sites could not host an installation.
14. It is stated within the appeal statement that no buildings or site sharing opportunities have been identified within the intended cell area that would be capable of accommodating the proposed installation but there is insufficient evidence that this possibility has been adequately investigated.
15. On the basis of the evidence before me, I cannot be satisfied that alternative sites have been comprehensively assessed or that the appeal site represents the least harmful option available in the area to meet the additional coverage and capacity requirements and so secure the same public benefits.

Planning Balance and Conclusion

16. Framework paragraph 118 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The proposal would contribute to the delivery of sustainability and provide an upgrade to digital telecommunications allowing for additional coverage and capacity, including the introduction of 5G technology to the locality. I afford moderate weight to the economic and social benefits of the appeal scheme.
17. However, on the basis of the evidence before me it has not been demonstrated that there are no suitable alternatives to serve this area or that the appeal site is the best available option for minimising the effect of the development. Therefore, notwithstanding the need for the proposal, and the benefits which would arise from it, the significant harm to the character and appearance of the area would not be outweighed by the need to site the installation in the location proposed. For these reasons, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR