



Appeal Decision

Site visit made on 28 January 2025

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2025

Appeal Ref: APP/P4225/W/24/3346812

Sheriff Street, Rochdale, OL12 6QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 EE UK Ltd & Hutchison UK Ltd against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref is 24/00062/TELE.
 - The development proposed is EE/H3G Valmont 20m high phase 7 Mk2 streetworks pole and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO 2015), 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.
3. The principle of development is established by the GPDO 2015, and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. Both main parties have referred to the Rochdale Core Strategy. I have had regard to the policies of the development plan and the National Planning Policy Framework, only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the proposed telecommunications equipment on the character and appearance of the area, with particular regard to the settings of nearby designated heritage assets.

Reasons

5. The heritage assets mentioned in the Council's decision notice are the (a) the Grade I Listed Church of Saint Edmund and Associated Boundary Wall, Railings and Gates; (b) the Grade II Listed Gateway to Falinge park on Corner of Falinge Road and Sheriff Street; (c) Falinge Park and the Saint Edmund Conservation Area (the CA) and the (d) the Grade II Registered Park and Garden, Falinge Park.

6. The Council has not provided any substantive evidence of the effect of the development upon Falinge Park Registered Park and Garden. As I am dismissing the appeal, I will not investigate this further.
7. The development would be located on a grass verge on Sheriff Street which is a busy road. It is mainly residential in character and includes buildings of a mix of height, design, age and scale. There is a variety of street furniture and signage along the road. The proposed telecommunications pole would be 20m tall and it would be quite bulky. I appreciate that it would need to be this tall to enable adequate coverage but it would tower over the adjacent residential development and dwarf the other street furniture, regardless of any planning conditions to control its colour.
8. Saint Edmund's Church and the CA are located on the other side of the road to the appeal site. A small part of the CA boundary is on Sheriff Street but most of the CA, including St Edmund's Church, is behind Sheriff Street.
9. St Edmund's Church is Grade I listed which means that it is a designated heritage asset of the highest significance. It dates from 1870-3, designed by James Medland and Henry Taylor, for Albert Hudson Royds. The Royds family were a prominent local family of wool merchants who had helped finance the Rochdale Canal. It is constructed of irregularly coursed sandstone rubble with occasional bands of red sandstone, ashlar dressings and slate roofs. It has a unique design with high-quality craftsmanship, combining Gothic revival and Masonic symbolism. It is formally enclosed by a stone wall with iron railings and gates and stands imposingly on a diamond shaped island where four surrounding streets converge. It has a powerful presence as a landmark within the street scene. Its significance derives from its architectural detail and its association with local people.
10. The immediate setting to the church is where the four streets converge behind Sheriff Street. However, Sheriff Street, in parts, provides an element of a wider setting to the church because the church can be seen at the end of a vista along Edmund Street. In addition, the tower of the church can be seen above the roofs of houses around Jane Street when travelling along Sheriff Street from Falinge Road. These views form part of the setting to the Church.
11. In my assessment, when travelling from Falinge Road the proposed monopole would be seen in conjunction with the tower of the church and it would detract from the view of the tower. Therefore, it would have a harmful effect on the ability to appreciate the church tower, consequently, there would be some harm to the setting of the church.
12. The CA is a fairly small conservation area encapsulating Saint Edmund's and surrounding dwellings which are Victorian to post war in age. The special interest and significance of the CA principally stem from Saint Edmund's in the centre; the unusual street pattern of development surrounding the church; and some mature landscaping. The buildings within the conservation area, including the church, as well as Falinge Park are intrinsically linked. They tell the story of the development of Rochdale under the patronage of the Royds' banking and woollen merchant dynasty. As a whole, the CA possesses a distinctive townscape and a strong sense of place. Sheriff Street provides a small glimpse into the CA along Edmund Street and a glimpse of the church tower. In that respect it contributes, somewhat, to the setting of the CA.

13. The telecommunications pole would be some distance away from Edmund Street and it would not be directly opposite any part of the conservation area. Nevertheless, it would be seen in conjunction with the tower of the church, which is the central part of the CA. Therefore, as there would be some harm to the setting of the Listed Building, it follows that there would be some harm to the setting of the CA.
14. The Gateway to Falinge Park is a Grade II Listed Building. It is on a prominent position on the apex of Falinge Road and Sheriff Street. It dates from around 1900 and is constructed of sandstone with cast iron vehicular and pedestrian gates set between sandstone piers, which have decorative scrollwork and heraldic cartouches. The park opened to the public in 1906. The significance of the gates derives from the association with the public parks movement in the Victorian era, their age and their architectural detailing.
15. The telecommunications equipment would be tall and it would be in the line of view of the entrance and gates. It would be a dominant feature in their foreground and would distract the eye from them, making the gates a less prominent feature in the street-scene. This would harm their setting.
16. For the above reasons, the proposal would harm the setting, and therefore the significance, of both of the listed buildings and the conservation area. I consider that the harm to the significance of all three assets to be less than substantial and, in the language of the Framework, at the lower end of the scale of less than substantial harm. Nevertheless, this harmful impact is a matter of considerable importance and weight. The Framework advises that less than substantial harm must be weighed against the public benefits of the scheme.
17. The operators have received a Notice to Quit on their current site on top of a tall building. The appellant says that no other sites are available to replace the lost site and I have no convincing reason to doubt the evidence provided on this matter.
18. The development would maintain and improve digital wireless and mobile coverage, with new equipment to facilitate 5G coverage within the OL12 area of Rochdale. H3G and EE would share the mast and Emergency Services Network also share on EE masts. Both the development plan and the Framework contain policies to support the provision of communications infrastructure. The proposal would allow operators to share the mast and it would maintain coverage. The appellant says that the proposed mast would remove the requirement for several additional standalone masts nearby.
19. I accept that there would be some economic and clear social benefits of the proposal. I give these factors very significant weight in favour of the proposal.
20. Nevertheless, I am mindful that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Therefore, although the Government aims to facilitate the growth of new telecommunication systems and digital technologies, it also places great emphasis on protecting designated heritage assets and their settings, particularly those of the highest significance such as Saint Edmund's. Consequently, I find that there are not public benefits which are sufficient to outweigh the less than substantial harm.

21. I conclude that the proposed telecommunications equipment would have a harmful effect on the character and appearance of the area, including upon the settings of the listed buildings and CA.

Conclusion

22. For the above reasons the appeal is dismissed.

Siobhan Watson

INSPECTOR