



Appeal Decision

Site visit made on 14 June 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2023

Appeal Ref: APP/P4225/W/23/3314510

Halifax Road Street Works, Halifax Road, Rochdale OL12 9EN

- 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 22/01294/TELE, dated 6 October 2022, was refused by notice dated 30 November 2022.
 - The development is described as a 5G telecoms installation: H3G 17m street pole and additional equipment cabinets.
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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 (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.
3. The Council's decision notice refers to policies of the Rochdale Adopted Core Strategy ('the CS') (2016), and the National Planning Policy Framework ('the Framework') (2021). The principle of development is established by the GPDO, and its provisions do not require regard to be had to the development plan or the Framework. Nevertheless, such policies and guidance are material considerations where they relate to issues of siting and appearance.

Main Issue

4. The main issues are the effect of the siting and appearance of the proposed installation on:
 - the character and appearance of the area, including the effect on protected trees; and
 - if any harm is identified, whether this would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and Appearance

5. The appeal site comprises part of a pavement along Halifax Road, where it doubles in width beyond the end of a grass verge. This pavement is in front of open space, comprising a grassed part and a part with heavy tree cover. The nearest properties are residential, with further dwellings and a library, public house, and small scale commercial units being on the opposite side of Halifax Road. The road is a wide dual carriageway with a grassed central verge, with a roundabout a short way beyond the site in one direction, and a pedestrian underpass in the other. The road has a generally straight and slightly inclined alignment along this stretch.
6. Notwithstanding the busy nature and urban form of the carriageway, the area has an open and spacious character due to the road's width and straightness, and the glimpsed views across the valley behind the appeal site. The road is reinforced by a number of high mature trees, including a thick group close to the appeal site which benefit from a Tree Protection Order (TPO). While the limited extent of these does not create a formal boulevard feel, they break up the skyline and introduce a softness to the harder urban form of the hardstanding and street furniture. Lampposts also provide some vertical insertions.
7. The proposal is for the installation of 3 equipment cabinets and an adjoining 17m high telecommunications pole with a GPS module attached to the top. Although the appellant suggests that the cabinets could be permitted development, they are included within the description of development and so I have assessed them accordingly. They are typical of the form of structures seen on roadsides, and while numerous, would not appear as unduly incongruous features or create undue visual clutter due to the juxtaposition against the height and massing of the trees.
8. However, the precise location of the appeal site with relation to the closest trees and the end of the grassed verge is somewhat confused. My site visit identified that one of the trees is positioned closer to the proposed location than it appears on the proposed elevation and site plans, with the monopole being directly underneath its canopy, and the cabinets in front of its trunk.
9. Accordingly, while the Council's arboriculture team suggested that harm to the trees would be unlikely subject to a condition for careful construction and management, I am uncertain whether this opinion was influenced by this ambiguity. Furthermore, the appellant has provided no specific evidence relating to the potential impact on the trees, such as an arboricultural report.
10. Although the equipment would be sited on existing hardstanding, at such proximity there is a therefore some risk of it encroaching into the TPO root protection area. On the evidence before me, I am also unconvinced that pruning for construction or future maintenance would cause no harm to the branches, including because they have substantive remaining growth potential.
11. The presence of the TPO indicates that the trees are particularly worthy of protection. They provide an important contribution to the character of the area, alongside other benefits. Therefore, while a pre-commencement condition was suggested to agree an arboricultural method statement and a tree protection

plan, it would not be appropriate to delay such considerations to condition stage. It is possible that they may not be able to sufficiently address any harm, and therefore the permission would be unimplementable if the condition discharge could not be agreed for this reason.

12. However, even if there were no direct tree harm, a tall utilitarian monopole directly sticking out of a treetop would appear incongruous and would thus draw undue attention. It would be visible in long range views along Halifax Road and from other nearby streets and properties. The tree cover would provide some mitigation camouflage, but the monopole's upper portion would still be obtrusive compared to the area's lower scale surroundings. The existing nearby lampposts would be significantly lower and slimmer than the proposal. The character of the streetscene would thus be unacceptably harmed.
13. The area does not have a statutory designation to protect its character, and in general a telecommunications installation has a simplistic and necessarily functional design that may not be an unusual urban feature. Nevertheless, the monopole would be unduly prominent and dominant in the streetscene. Its grey colouring would not allow for a sufficient assimilation effect.
14. Overall, I find that the siting and appearance of the proposed installation would result in significant harm to the character and appearance of the area, including due to the potential effect on protected trees. Insofar as the development plan policies and the Framework are material considerations, I find that the proposal would not comply with the CS Policies P1, P3, and DM1. These require all new developments to respect site context and have regard to scale, height, and landscape, and to not be visually intrusive.
15. The Framework also refers to the need to achieve well-designed places, and the proposal would conflict with paragraphs 115, 126, and 130 which require developments to be of high quality design that adds to the overall quality of an area, be sympathetic to local character including the surrounding built environment and landscape setting, and for 5G equipment to be sympathetically designed and camouflaged. Given that I have concluded that the siting and appearance of the proposed installation would harm the character and appearance of the area, the proposal conflicts with these policies.

Suitable Alternative Sites

16. I do not question the local need for this electronic communications system as per paragraph 118 of the Framework. However, its paragraph 117c) does require evidence to demonstrate exploration of alternative options and sites. The provided evidence does not include detailed mapping of network coverage, or detailed analysis of the potential for mast sharing, co-location, or installing a base station on an existing building.
17. Furthermore, only a very brief commentary on a few discounted site options is provided. General site selection constraints are identified as not impeding pedestrian flow, the safety of passing motorists, or being directly in front of residential dwellings to affect outlook. However, without detailed constraint mapping, it is not clear as to how other options were identified. The appellant explains that due to the high frequency and low power output of such installations, the cell areas are generally very constrained, so the target search area has a radius of approximately 100m centred over the Halifax Road area of

Smallbridge. Yet for example, site D3 has been discounted due to the distance from the intended search area, but appears to be closer to the nominal location than the appeal site.

18. Overall, I am not persuaded that potentially less harmful siting alternatives have been fully assessed. The need for the installation to be sited as proposed has therefore not been fully demonstrated, and so the harm identified above is not outweighed.

Other Matters

19. Reference has been made to various social and economic benefits of the proposal, but I have not taken these into account in considering the matters of siting and appearance. The general need for the proposal weighs in its favour, and I note the support in the Framework for high quality communications infrastructure, and that policies and decisions should support the expansion of the communications network. I give this moderate weight in favour of the development as a material consideration.
20. That there have been no objections does not suggest that no harm would be caused. The reference to an allowed appeal in a different local authority area has not affected my conclusion, as the precise site context for each such proposal would be materially different.

Conclusion

21. While the need for communications infrastructure is an important consideration, it has not been shown that no other more suitable sites are available. In the absence of a clear demonstration of a need for the proposed monopole in this particular location, this general need for sites does not outweigh the significant harm I have found due to its siting and appearance, and the conflict with the development plan and the Framework, where material.
22. For the reasons given above, I therefore conclude that the appeal is dismissed.

L Hughes

INSPECTOR