



Appeal Decision

Site visit made on 26 January 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2021

Appeal Ref: APP/Z4310/W/20/3260439

Stonebridge Lane, Croxteth, Liverpool, L11 9AZ

- 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 Telefonica UK Limited against the decision of Liverpool City Council.
 - The application Ref 20PT/1025, dated 14 April 2020, was refused by notice dated 19 June 2020.
 - The development proposed is the installation of a 20m high streetworks column supporting 6no. antennas, 2no. 0.3m dishes and ancillary equipment. The installation of 2no. equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 20m high streetworks column supporting 6no. antennas, 2no. 0.3m dishes and ancillary equipment, the installation of 2no. equipment cabinets and development ancillary thereto at Stonebridge Lane, Croxteth, Liverpool, L11 9AZ in accordance with the terms of the application Ref 20PT/1025, dated 14 April 2020, and the plans submitted with it.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO'), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the Local Planning Authority to assess the 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 has drawn my attention to the development plan policies it considers to be relevant to this appeal. However, the principle of development is established through the grant of permission by the GPDO. Whilst the Council's policies may be relevant insofar as they relate to the prior approval matters, in my determination of this appeal they have not, by themselves, been decisive.

Main Issue

4. The main issue is the effect of the siting and appearance of the development on the character and appearance of the area.

Reasons

5. The appeal proposal would be positioned at the back of the pavement on the western side of Stonebridge Lane, which is a busy main road. It would be around 30 metres to the north of a recent permission (Ref 20F/0777) for a similar mast and associated cabinets on the same side of the road. That permission had not yet been built out at the time of my site visit.
6. Both the appeal proposal and the recently approved mast and cabinets would be positioned in front of a utilitarian metal security fence that runs along the back edge of the pavement. This encloses the car park to the Queen of Martyrs Parish Centre, which forms part of a row of non-residential buildings along this side of the street that are set back significantly from the road. Stonebridge Road is relatively wide in this location and is flanked by tall lighting columns. There is also a bus stop and other street signage nearby.
7. Given the presence of tall lighting columns, the non-residential use of the buildings along this side of the street, and the width of the road (and its general character), I consider this to be an appropriate location for a new mast. The Council clearly came to a similar view when it approved the nearby mast and cabinets under permission Ref 20F/0777. Whilst the appeal proposal could result in 2 such masts in relatively close proximity to one another, this would not appear unduly cluttered in my view. In this regard, the 2 structures would be complimentary in their appearance and would be seen against the backdrop of tall lighting columns, metal fencing, and non-residential development that is set back from the road. Longer views of the masts would also be restricted by nearby trees and buildings. Moreover, the appeal proposal would introduce only 2 additional cabinets and so its contribution to clutter at street level would be relatively minor.
8. For the above reasons, I conclude that the siting and appearance of the development would not significantly harm the character and appearance of the area. I have taken into account Policies HD18 and HD27 of the Liverpool Unitary Development Plan (2002) which require that new development relates well to its locality and is not detrimental to the visual amenity or character of the area, and so are relevant in this case. Given my conclusion on this matter, the proposal would also accord with these policies. It would also be consistent with guidance in the Framework relating to telecommunications equipment.
9. The Decision Notice also refers to Policies UD2 and STP5 of the emerging Liverpool Local Plan. However, the Council states that there are unresolved objections both to the soundness of the Local Plan in general, and these policies in particular. Accordingly, I attach only limited weight to these emerging policies at this stage.

Other Matters

10. There is no dispute that the appeal proposal is necessary to provide 5G services in the area, and that there are no more suitable sites or mast sharing options available.

11. The appellant has confirmed in writing that the proposal would be compliant with the guidelines laid down by the International Commission on Non-Ionizing Radiation Protection. The Framework confirms that local authorities should not set health safeguards that are different from those guidelines for public exposure.

Conditions

12. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These specify that the development must be carried out in accordance with the submitted details, must begin not later than the expiration of 5 years, and must be removed as soon as reasonably practicable once it is no longer required for these purposes and the land restored to its previous condition. The GPDO does not provide any specific authority for imposing additional conditions beyond these deemed conditions.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

Thomas Hatfield

INSPECTOR