



Appeal Decision

Site Visit made on 9 June 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/M4320/W/21/3267905

Highways Land, Green Lane, Thornton, L23 1TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/01140, dated 30 June 2020, was refused by notice dated 19 August 2020.
 - The development proposed is Installation of a 20m high street works column supporting 6 no. 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 dismissed.

Procedural 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 relevant provisions of the GPDO do not require regard to be had to the development plan. Accordingly, I have had regard to the policies of the development plan and related supplementary guidance only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

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 the setting of designated and non-designated heritage assets; and
 - the living conditions of the occupiers of neighbouring properties, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site is located on a large grass verge which fronts onto Green Lane, in a predominately residential area close to the edge of Thornton. The site, which follows a shallow bend in the road, contains several mature trees, and is bounded by a long, tall hedge along the southern boundary.
6. The surrounding area is suburban in character, and buildings are generally no more than two storey in height. In the main, the houses around the appeal site are set well back from Green Lane, as is the public house opposite. As a result, the area has an open and spacious feel, with the trees and vegetation on the wide grass verge contributing positively to the character of the area.
7. There are a number of existing vertical features in the area surrounding the site, including streetlights, telegraph poles and highway signs, as well as a telecommunications monopole on the grass verge. This existing mast is around 12.5 metres in height, and is of a simple design with shrouded antenna. Its low-key appearance, and siting close to two mature trees, means that the monopole is well screened and does not appear prominent in the streetscene. By comparison, the proposed 20m mast would be considerably taller than the existing trees and street furniture, and would be sited in a more open area, closer to the road frontages of Green Lane and Water Street. As a result, it would appear far more obvious within the streetscene than the existing equipment.
8. When viewed from further away, the surrounding trees and vegetation would provide screening, and the proposed mast would be seen in the context of the streetlamps and other vertical features in the area. However, the installation would be highly visible to passers-by on Green Lane and users of the footpath crossing the grass verge. I acknowledge that the height is the minimum necessary to meet the technical requirements, and that the equipment has been designed so as to minimise its visual impact, but the large size and utilitarian appearance of the proposed equipment would appear out of scale and overly prominent within its immediate setting.
9. It is clear from comments made by the Parish Council and local residents that the site has significance to the community over and above its amenity function. The space is referred to as the Village Green, and is used for remembrance events and Christmas Tree lighting. Part of the area is already taken up by the existing telecommunications equipment, but the proposed mast and associated cabinets would result in additional clutter in a more central and open part of the site, which would reduce the space available for such community events. The installation would appear incongruous and overbearing to users of the village green, and would significantly detract from local community's ability to appreciate and enjoy this element of their local environment.
10. The site is located near to the Grade II listed stocks, cross base and sundial. The cross base is also a scheduled monument. These designated heritage assets are grouped together on the corner of Water Street and Green Lane, on what is now pavement but was formerly part of the village green. Whilst not visually prominent in the streetscene, these features are important in that they

provide a tangible link to the past and contribute to the understanding of the history of the local area.

11. On the other side of the site, on the corner of Green Lane and Rothwells Lane, is Lydiate Farmhouse, which is a simple, white rendered and slate roofed cottage with a brick outbuilding. The buildings are recorded in the Historic Environment Record as dating back to the eighteenth century, and are described by the Council as a non-designated heritage asset. The appeal site lies between these heritage assets and forms part of their wider setting, with the continuing role of the site as a village green providing context for the location of the designated heritage assets.
12. I acknowledge that the character of the area has been shaped by the generations of people who inhabit the area, and that telecommunications equipment is now a common feature of the built environment. The heritage assets are already viewed in the context of existing modern infrastructure such as street furniture and road signs. However, the proposed equipment would erode the open character of this area, which has historical value as a village green, and which continues to be a focus for community events to this day. In this way, the installation would cause a modest amount of harm to the setting of the listed buildings and scheduled monument.
13. I conclude that the siting and appearance of the proposed installation would cause harm to the character and appearance of the area, and as such conflicts with Policy EQ2 of the Sefton Local Plan (Local Plan) which requires that development responds positively to the character, local distinctiveness and form of the area. It would also cause modest harm to the setting of the designated heritage assets.

Living conditions

14. There are no houses which would face directly onto the mast. The semi-detached properties on the corner of Green Lane and Water Street look out towards the grass verge but views of the equipment would be from an oblique angle, and the mast would be seen amongst a number of road signs and street lights.
15. The mast would be visible from gardens of neighbouring properties, in particular the adjacent Vicarage, and from upper floor windows and gardens of properties on Calderdale Close. It would be a tall but narrow structure, and from these residences only the upper section would be visible above the existing trees. The siting of the mast would be such that it would be a reasonable distance from the nearest property, and it would be further away from the back garden of The Vicarage than the existing mast.
16. Although residents may not find it attractive, the mast would not appear overly dominant or overbearing from any neighbouring properties. As such, there would be no conflict with Local Plan Policy HC3 which seeks to protect the living conditions of neighbouring properties.

Other Matters

17. The existing slimline monopole, which provides 2G, 3G and 4G services on behalf of Telefónica UK and Vodafone UK, is not capable of being upgraded to provide 5G, so a new mast is required. To support both operators, a new 5G mast would need to be a much bulkier and larger structure, so the proposed

mast would operate on behalf of Telefónica only, whilst the existing monopole would be retained for Vodafone. In order to retain coverage, it is necessary to locate the proposed mast as close as possible to the existing structure, which is sited some 37m away.

18. I acknowledge that there are few tall buildings with flat roofs in the area, so the potential for siting the equipment on an existing building is limited, and that the presence of utility services and narrow verges reduces options for using highways land. The equipment needs to be located close to residential development, as that is where the demand originates, and I note the appellant's comment that the suggested location on Broom's Cross Road would be too far away. However, no clear evidence has been provided regarding any alternative options that have been explored or discounted that are closer to the existing site, but which might avoid the harm identified.

Planning balance

19. I have found that, owing to its siting and appearance, the proposal would cause harm to the character and appearance of the area. It would also cause a modest amount of harm to the setting of designated heritage assets.
20. The harm to the designated heritage assets is a matter to which I give great weight, as directed by paragraph 193 of the National Planning Policy Framework (the Framework). The harm would be less than substantial, and in applying the balancing test of Framework paragraph 196, I must weigh this harm against the public benefits of the proposal.
21. The installation would provide 5G coverage for the surrounding area, which would be of significant benefit to its users. The equipment would contribute to delivery of advanced, high quality and reliable communications infrastructure, which is recognised as being essential for economic growth and well-being in Framework paragraph 112.
22. Whilst recognising the significant benefits which the proposed equipment would provide, the evidence is insufficient to clearly demonstrate that there are no alternative sites available, which would cause less harm to the setting of the designated heritage assets, and to the character and appearance of the area, than that which I have identified. Consequently, the harm in this case would not be outweighed by the public benefits of the scheme.
23. The proposal would comply with International Commission on Non-Ionizing Radiation Protection standards and would not have an unacceptable impact on living conditions of neighbouring occupiers. However, this lack of harm is neutral in the planning balance.

Conclusion

24. For the reasons given, the appeal is dismissed.

R Morgan

INSPECTOR