



Appeal Decision

Site Visit made on 21 June 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2021

Appeal Ref: APP/Z4310/W/21/3269643

Mill Street Streetworks, Mill Street, Liverpool L8 5UD

- 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 Hutchison 3G UK Ltd against the decision of Liverpool City Council.
- The application Ref 20PT/2447, dated 16 September 2020, was refused by notice dated 9 November 2020.
- The development proposed is to install 15 metres high 5G monopole with associated cabinet equipment.

Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for proposal to install 15 metres high 5G monopole with associated cabinet equipment at Mill Street Streetworks, Mill Street, Liverpool L8 5UD in accordance with the terms of the application, Ref 20PT/2447, dated 16 September 2020, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Plan; Existing Elevation A; Proposed Site Plan; Proposed Site Elevation A; Site Location Plan.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 16, Class A, requires 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.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the surrounding area and the effect of the proposal on the living conditions of occupiers of neighbouring properties with regards to overbearing effects.

Reasons

Character and appearance

4. The area surrounding the appeal site is characterised by a mix of single and two storey properties including residential and commercial and would be

- directly adjacent to the Mersey Park Care Home. The surrounding area is a typical urban area with common street furniture paraphernalia including street lighting, road signs, litter bins, post boxes and CCTV mounted on monopoles.
5. The proposal would be taller than the majority of structures and buildings in the area. However, telecommunication structures are common features in built up areas and the proposal, whilst being visible, would not necessarily be highly noticeable as it would blend in with similar structures such as street lighting and the existing CCTV monopole mast.
 6. The proposal would mainly have a vertical emphasis, which would be in keeping with similar structures in the near locality. The proposal would be visible however due to its siting, height and bulk, it would not appear as an intrusive feature that adversely compromises the street scene and surrounding buildings.
 7. The proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal would be in accordance with saved Policy HD27 of the City of Liverpool Unitary Development Plan 2002 (UDP) and the National Planning Policy Framework (the Framework) which seeks proposals for masts and other structures to have regard to the visual impact on the built and natural environment.

Living conditions

8. The proposal would be situated close to the buildings and private amenity spaces of Mersey Park Care Home and other residential properties. The width of the proposal would not be excessively bulky and whilst the proposal is tall in nature, the slimline design would ensure that any overbearing effects would not adversely compromise the living conditions of residents at the Mersey Park Care Home and neighbouring properties.
9. Due to the proposals siting, height and bulk, it would not have a significant overbearing effects on the buildings and amenity areas of the Mersey Park Care Home and surrounding buildings that would be to the detriments of its residents.
10. Accordingly, the proposal would not have a harmful effect on the living conditions of the occupiers of neighbouring properties with regards to overbearing effects. The proposal would be in accordance with saved Policy HD27 of the UDP and the Framework which seeks proposals for masts and other structures to not have a detrimental effect on the amenity of adjoining premises.
11. Representations have been made to the effect that the rights of a neighbouring occupiers, under the Human Rights Act 1998, Article 8, would be violated if the appeal were allowed. I do not consider this argument to be well-founded, because I have found that the proposed development would not cause unacceptable harm to the living conditions of neighbouring occupiers. The degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 8 of the Human Rights Act 1998.

Other Matters

12. I have had regard to concerns raised from Ward Councillor and local residents which include matters on health issues with reference to the Stewart Report,

public consultation of the scheme and availability of proposed plans, occupancy rates, anti-social behaviour including risk of arson, and the previous planning refusal¹. I have given careful consideration to these matters, some of which the Council have not raised any objections to, but they do not lead me to a different conclusion on the main issue nor do they amount to harm in which would justify withholding consent.

13. The proposal would be used by a single operator however I am satisfied that alternative sites were explored and that an appropriate sequential approach was taken by the appellant, therefore the proposal would not be contrary to the Framework.

Conditions

14. Beyond the standard conditions which are imposed by the Town and Country Planning (General Permitted Development) Order 2015, I consider it necessary to add a condition relating to the identification of plans to provide certainty and clarity.

Conclusion

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

Chris Baxter

INSPECTOR

¹ Local Planning Authority Reference Number: 20PT/1707