



Appeal Decision

Site Visit made on 20 July 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2021

Appeal Ref: APP/V4305/W/21/3269260

Roby Road, Liverpool, L36 4QZ Easting: 342666, Northing: 390537

- 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 Cornerstone and Telefónica UK Ltd against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 20/00394/TEL, dated 15 July 2020, was refused by notice dated 27 August 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 dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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. I have used the description of development from the planning application form in the banner header above but note the appellant's clarification that only one equipment cabinet is in fact proposed.

Planning Policy

4. 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. I have had regard to the policies of the development plan and the revised National Planning Policy Framework 2021 (The Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

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

Reasons

6. The appeal site is positioned alongside a dual carriageway road close to junction 5 of the M62 Motorway and immediately adjacent to Bowring Park, which is an extensive area of public open space. There are various items of street furniture visible in the street scene, including streetlights, bus shelters and signage. However, notwithstanding the functional nature of the major road network in the area, the presence of an abundance of mature and established trees within Bowring Park and in other locations adjacent to the public highway, along with the generally open and verdant character of the park, softens the impact to the extent that these factors are the dominant contributor to the character and appearance of the area in which the appeal site sits.
7. The proposed installation would be significantly higher than the existing lighting columns and other street furniture along Roby Road and of a greater bulk. Whilst the lighting columns that serve the motorway are of considerable height, they are slender in their form and only viewed distantly in the far backdrop of the appeal site, and only from certain views along Roby Road. By virtue of the proposed streetworks column having a much greater height and bulk than the existing structures closest to it, it would form a dominant and incongruous feature within the street scene. This impact would be intensified by the contrast with the generally open form of Bowring Park, and as a whole the proposal would result in significant harm to the character and appearance of the area.
8. Whilst Bowring Park is referred to as a non-designated heritage asset, a copy of the local list referred to in Policy CS20 of the Knowsley Local Plan Core Strategy 2016 (CS) has not been provided with the appeal. However, regardless of its status in this respect and even if it was not a non-designated heritage asset, the park is an attractive and well-kept area of public open space that contributes positively to the character and appearance of the area. Improvement works to the park have recently been undertaken, and this is evident in the restored entrance which sits close to the appeal site. The proposed installation would be clearly visible from footpaths leading through the park, and although the dual carriageway is also present from these views, the proposal would again form a dominant and jarring feature in its surrounding context and cause significant harm to character and appearance.
9. The appeal site is some considerable distance from the nearest boundary of the Roby Conservation Area (CA) and this factor together with the alignment of the road between this boundary and the appeal site means that there would be no harm to the CA as a result of the proposal. Although it is suggested that the CA may be extended in the future to incorporate Bowring Park, no substantive evidence has been provided to demonstrate the likelihood of this happening or a timescale for doing so. On this basis, there would not be harm to the CA from the proposed development.
10. In conclusion, whilst I have not found that there would be harm to the CA as a result of the proposed installation, there would be significant harm to the character and appearance of the Roby Road street scene and from views taken from within Bowring Park due to both its siting and appearance. In so far as it relates to siting and appearance, the proposal would fail to accord with Policy CS19 of the CS and Saved Policy ENV8 of the Knowsley Replacement Unitary Development Plan 2006. The proposal would also not be in accordance with

The Framework, where it refers to achieving well-designed places and in requiring that new masts should be sympathetically designed.

Other Matters

11. Support for the delivery of advanced, high quality and reliable communications networks is afforded by The Framework, by other government documents and by the development plan, and such networks bring significant social and economic benefits. Furthermore, the proposal would provide 2G, 3G and 4G coverage from a single installation whilst providing new 5G coverage and increased network capacity, which has been increasingly utilised and required in the circumstances of the Covid 19 Pandemic. The appellant advises that for technical reasons the size and volume of the proposal cannot be reduced.
12. Details relating to its need to be located in the wider area, of a sequential approach that has been undertaken and of a number of alternative sites have been provided. It is clear from my visit to the area that some of the alternative sites would be likely to present other constraints such as their proximity to trees, to residential properties and in terms of being closer to, or within, the CA. That said, I am not persuaded that the information before me demonstrates that an exhaustive analysis of all parts of the cell search area has been undertaken given the clear sensitivity of the appeal site.
13. In that regard it is advised by both parties that discussions have taken place with respect to an alternative site that may be considered acceptable and that a formal submission is likely. As the location of this has not been disclosed, I am unable to consider this matter further. Overall, therefore, I am not certain that a less harmful location could not be found, and this limits the weight I can give to the consideration of the availability of alternative sites.
14. I have had regard to the appeal decisions provided, which relate to different installations in other local authority areas. I must however consider the proposal that is before me primarily upon its own individual merits.

Planning Balance and Conclusion

15. I acknowledge that there would be a number of benefits arising from the proposed development, in particular economic and social benefits and that there are technical constraints on the size of the installation that would be required. I am not however persuaded by the information before me with respect to alternative sites.
16. In conclusion, the considerations advanced in support of the proposal do not outweigh the significant harm to the character and appearance of the area that I have found would be caused by the siting and appearance of the proposed development. Therefore, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR