



Appeal Decision

Site Visit made on 13 July 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 19th August 2021

Appeal Ref: APP/W4325/W/21/3269795

Site on corner of Church Road and Victoria Road, Tranmere CH42 0LF

- 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 MBNL, for and on behalf of EE Limited & H3G UK Limited against the decision of Wirral Metropolitan Borough Council.
 - The application Ref ANT/20/00893, dated 2 July 2020, was refused by notice dated 26 August 2020.
 - The development is described as Proposed installation of a 20m Telecommunications Phase 8 monopole with wrap around cabinet built round the base, 3no new ground based equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed and approval is granted under the provision 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 installation of a 20m Telecommunications Phase 8 monopole with wrap around cabinet built round the base, 3no new ground based equipment cabinets and ancillary development at site on corner of Church Road and Victoria Road, Tranmere CH42 0LF in accordance with the terms of the application Ref ANT/20/00893, dated 2 July 2020, and the plans submitted with it.

Procedural Matter

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 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 provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to policies of the development plan and the National Planning Policy Framework (Framework) revised July 2021 only in so far as they are relevant to matters of siting and appearance.
4. The applicant named in the application form is different to the appellant in the appeal form. The appellant has clarified that the appeal should proceed in the name of the appellant in the banner heading above.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the living conditions of neighbouring residential occupiers and the character and appearance of the area.

Reasons

6. The equipment would be located in a grass verge where Victoria Road meets Church Road. There are dwellings to either side on Church Road, and there is a small car park between the appeal site and 2 Victoria Road. There is an existing monopole in the verge near to the closest semi-detached property on Church Road. It is in a residential urban area characterised by predominantly 2 storey buildings. Vertical structures include lighting columns, telegraph poles and traffic and road signage.
7. The existing monopole, at just under 12m in height, is well screened by the canopies of mature trees. In contrast, the taller proposal would be more than twice the height of nearby buildings and it would protrude for several metres above the adjacent tree canopies. While the lower half of the column would be screened in longer views by buildings and trees, the upper part and the bulky array would be visible above the surrounding townscape. However, from more distant locations, the shrouded antenna would not be overly prominent against the sky. Moreover, existing lighting columns, albeit shorter and slimmer, establish a visual vertical context and they would help assimilate the proposal into the wide townscape.
8. The larger scale of the proposal would be apparent from closer locations near to the end of Victoria Street. The spreading canopies of the adjacent trees would help soften and screen the proposal from close public views. Even so, it would be more conspicuous and it would have a greater visual impact than the existing monopole. However, taking account of the acceptability of the existing communications infrastructure and the surrounding context, I find that neither the increased height and scale of the proposal nor the cabinets would be significantly detrimental to the character and appearance of the area.
9. The existing monopole is close to the nearest neighbouring dwelling, but there are no facing habitable room windows and it screened by trees. The proposal would be in a more open location roughly 6m from the side boundary of the neighbouring rear garden. It would not be directly visible from habitable room windows, but it would be visible above the boundary fence from within the garden. While it would be wider and taller than the existing, nevertheless the proposed monopole would still be a relatively slim vertical structure. It would not block views looking sideways from the residential garden and it would be assimilated to a degree by nearby trees and street furniture. The proposal would diminish the outlook from the rear garden, but there is little compelling evidence that it would be significantly overbearing or detrimental to the neighbouring residential occupiers.
10. The Framework acknowledges that high quality and reliable communications infrastructure is essential for economic growth and social well-being and it supports the expansion of electronic communications networks, including 5G. The proposal would replace the existing monopole which provides 2G, 3G and 4G services. It would improve the existing services and it would additionally enable provision of 5G services. It would be shared by the 2 operators who

share the existing mast. The evidence indicates that the height and scale of the proposed monopole is the minimum necessary in this location to clear the height of nearby buildings and trees to avoid obstruction of the signal and to deliver the enhanced communications network.

11. Alternative options including the use of existing masts and buildings and alternative sites were explored. The existing monopole is not suitable to support the equipment and there are no suitable masts or buildings in the search area. Alternative footway locations were discounted on the basis of greater impacts on visual amenity. The Council accepts that the location is suitable for communications infrastructure and it does not disagree with the assessment of alternative sites nor suggest any more suitable locations. The existing monopole would be removed once the proposal was fully operational, such that there would be no increase in the number of masts in the area.
12. Therefore, the proposal would not harm the character and appearance of the area. There would be a slight negative impact on the outlook from the neighbouring residential rear garden. Consequently, and although not determinative, there would be slight conflict with the aims of Policies TEL1 and TE1 of the Wirral Unitary Development Plan Adopted February 2000. Conversely, it would receive significant support from policies, including in the Framework, that promote the delivery of high quality communications infrastructure. Taking into account the limited impact and the absence of viable alternatives, on balance I find that the significant economic and social benefits of the scheme would outweigh the very limited harm and policy conflict.

Other Matters

13. Concerns have been raised about the potential health effects of the mast, including on the nearby hospital. However, I have been provided with a Declaration of Conformity with ICNIRP Public Exposure Guidelines. The Framework advises that planning authorities should not set health safeguards that differ from the International Commission guidelines. Accordingly, I must give the health concerns very little weight in my assessment.

Conditions

14. Planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

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

Sarah Manchester INSPECTOR