



Appeal Decision

Site visit made on 11 October 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Appeal Ref: APP/W4325/W/21/3277371

Price Street, Claughton, Birkenhead CH41 4JG

- 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 Hutchison UK Ltd against the decision of Wirral Metropolitan Borough Council.
 - The application Ref ANT/21/00711, dated 3 April 2021, was refused by notice dated 1 June 2021.
 - The development was described as: proposed 18m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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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 an 18m Phase 8 monopole telecommunications column with wraparound cabinet at base and associated ancillary works at Price Street, Claughton, Birkenhead CH41 4JG in accordance with the terms of the application Ref ANT/21/00711 dated 3 April 2021, and the plans submitted with it including WIR10175_M002 Issue B (002 site location plan, 210 proposed H3G site plan, 260 proposed H3G elevation, 303 proposed H3G antenna schedule & line configuration and 305 equipment schedule & support structure details).

Procedural Matters

2. The development for which approval is sought was described on the application form as "proposed 18m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works". The Council's decision notice and the appeal form describe the development as "proposed 18m Phase 8 monopole telecommunications column with wraparound cabinet at base and associated ancillary works". In the formal decision I have used this latter description, and removed the word "proposed", as it is a more precise and accurate reflection of the proposed development for which approval is sought.
3. 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.

4. The principle of development is established by the GPDO. Notwithstanding the provisions of Schedule 2, Part 16, Class A of the GPDO, I have had regard to the policies of the development plan and the National Planning Policy Framework (published July 2021, the 'Framework') only in so far as they are a material consideration relevant to matters of siting and appearance.
5. Since the application was determined, the revised version of the Framework referenced above was published. The main parties were given the opportunity to comment on any relevant implications for the appeal.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposal upon the character and appearance of the area.

Reasons

7. This section of Price Street is a tree lined road characterised by industrial buildings. The monopole would be sited on a wide pavement adjacent to a car park enclosed by high fencing. On the opposite side of the road is also a car park. Within the wider area are industrial buildings with associated high boundary treatments, commercial uses and residential properties.
8. The monopole would be taller than the nearby trees and streetlights. I understand that it is essential for the pole to be 18 metres high, including to enable local provision and clear surrounding buildings and to clear ICNIRP guidelines. The appellant has explained how a lower pole would limit coverage in this particular instance and would not effectively communicate with other cells and the wider network. I am satisfied, given the appellant's appeal statement and associated information contained in the Site Specific Supplementary Information, that a lower pole, or one affixed to an existing structure, would be insufficient or unviable in terms of achieving network coverage here.
9. Setting that aside, the pole would be seen in the context of an industrial backdrop which includes buildings which are large in scale. The monopole would therefore not be unduly prominent nor overbearing. It's scale and appearance would not appear out of place when viewed in association with the character of the area. Thus, the proposed development would not be an incongruous feature and would sit comfortably in its surroundings without having an adverse effect on the street scene where the monopole would be seen in the context of the industrial area.
10. I understand that the site is in close proximity to the redevelopment and regeneration of Birkenhead Town Centre scheme. Based on the evidence submitted, the regeneration area sits to the south of the appeal site. I am satisfied that the proposal would have a minimal impact upon the scheme as the monopole would still be seen in the context of the industrial buildings. In addition, with reference to paragraph 114 of the Framework in particular, there are clear benefits to the appeal scheme.
11. For the reasons set out above I conclude that, the siting and appearance of the proposal would be acceptable and would not cause harm to the character and appearance of the area. Consequently, insofar as they are a material consideration, the scheme would comply with Policies TEL1 and TE1 of the Wirral Unitary Development Plan (2000) as well as the Framework.

Conditions

12. Conditions are set out in the GPDO for approval granted under Article 3(1) and Schedule 2, Part 16, Class A. These 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. In addition, it 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.
13. I do not consider it necessary to impose a condition beyond those specified in the GPDO relating to the colour of the monopole, as suggested by the appellant, given the character of the area and as there is no express provision in the GPDO enabling their imposition.

Conclusion

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

L M Wilson

INSPECTOR