



Appeal Decision

Site Visit made on 19 October 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2021

Appeal Ref: APP/W4325/W/21/3272217

Pavement on Rowson Street, New Brighton, Wallasey, Wirral CH45 2JT

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE (UK) Ltd & H3G (UK) Ltd against the decision of Wirral Borough Council.
 - The application Ref: ANT/20/01569, dated 26 October 2020, was refused by notice dated 11 January 2021.
 - The development proposed is described on the appeal form as the installation of a replacement 20m monopole, accommodating 12 no. antenna together with the upgrade of the equipment cabinets and ancillary development thereto.
-

Decision

1. The appeal is allowed and prior approval is granted for the installation of a replacement 20m monopole, accommodating 12 no. antenna together with the upgrade of the equipment cabinets and ancillary development thereto at Pavement on Rowson Street, New Brighton, Wallasey, Wirral, CH45 2JT in accordance with the terms of the application, Ref ANT/20/01569, dated 26 October 2020 and the plans submitted with it including 002 Site Location Plan Issue D, 100 Existing Site Plan Issue D, 150 Existing Elevation A Issue D, 215 Max Configuration Site Plan Issue D and 265 Max Configuration Elevation Issue D.

Preliminary Matters

2. I have utilised the description of the development from the appeal form as this provides a more complete description than the application form. The application form states that the proposal is not a replacement of an existing installation, although the Appellant's Statement (March 2021) has clarified that the proposal is to replace the existing telecommunications installation a short distance away on Marine Promenade with that proposed on Rowson Street.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on this basis.
4. The principle of development is established by the GPDO and the provisions of the Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have, though, had regard to the policies of the Wirral Unitary Development Plan (UDP) and the National Planning Policy

Framework (Framework) in so far as they are a material consideration relevant to matters of siting and appearance. In relation to the latter, a revised Framework was published in July 2021. I have sought comments from the main parties and taken any made into consideration.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area, including the nearby Wellington Road Conservation Area.

Reasons

6. The appeal site is situated on Rowson Street, a short distance from the junction with Marine Promenade. The appeal scheme seeks to replace the existing installation as an upgrade, to provide an enhanced 4G service and a new 5G service. The appellant has set out details of alternative sites that have been considered, including locating the proposal adjacent to the existing site, but the Council acknowledges the proposal cannot be located there as it is in a flood zone and does not challenge the unsuitability of other alternatives.
7. The area in the vicinity of the appeal site comprises of traditional two and three storey properties such as those on the opposite side of Rowson Street to the appeal site, fronting Marine Promenade, close to the site of the existing installation. More modern, larger scale buildings are situated closer to the sea. The appeal site is situated adjacent to the Wellington Road Conservation Area (CA) which has a linear form and contains tennis courts and other green spaces in an elevated position from the main road along King's Parade. These open spaces, as well as the presence of other hard landscaped public realm areas, many of which afford views of the sea, give the area a spacious character typical of a seafront location.
8. The proposed mast would be wider and taller than the existing mast at around 20m in height. It would also be located away from the existing site closer to the CA. Despite this, I consider it would be in a less exposed location than the former, which has a large area of open land around it and is to the front of buildings which face towards the sea. I appreciate the mast and cabinets proposed would be adjacent to a low wall with open recreation land beyond. However, I do not consider that the installation would be unduly prominent in views towards the CA given the higher land levels to the south along Rowson Street and generally within the CA when moving away from the seafront. I was also able to see the presence of metal fencing around the tennis courts and other planting and trees in this area that would provide a backdrop to the installation.
9. The size and the proximity of the mast would also result in it being seen from within the CA. From here, the orientation of the buildings, as well as the layout of the open space areas look out towards the sea. The mast, the subject of this appeal would be to one side, and broadly in line with the front elevations of the buildings near the existing site. Given this positioning and the slender width of the mast, I do not consider that its height or the low level cabinets would appear unduly prominent or visually obtrusive. The spacious characteristic of the CA would also not be harmed.

10. In conclusion, the proposal would not unduly harm the character and appearance of the area or adversely impact on the CA. As such, the proposal would not conflict with Policies TEL1 and TE1 of the UDP or with the Framework which seek to support high quality communications and development which respects local character. Consequently, I consider the siting and appearance of the proposal would be acceptable.

Conditions

11. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that development must 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

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

F Rafiq

INSPECTOR