



Appeal Decision

Site visit made on 16 November 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/M4320/W/21/3279863

Kirkstone Road North, Ford, Litherland L21 7NT

- 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 Hutchison UK Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/01290, dated 7 May 2021, was refused by notice dated 1 July 2021.
 - The development proposed is an 18.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The name of the appellant company is spelt differently on the Application Form and Appeal Form. I have used the name as spelt on the former in this decision.
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 Local Plan for Sefton (Local Plan) and the National Planning Policy Framework (Framework) insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. I consider the main issue is the effect of the proposed development's siting and appearance upon the character and appearance of the surrounding area.

Reasons

6. The appeal site is situated on the north-eastern side of Kirkstone Road North close to the junction with Anderson Way. It is on an area of pavement that is positioned away from the edge of the vehicular carriageway and is adjacent to a grassed area of land. Along Kirkstone Road North in the vicinity of the site

are three storey terraced blocks which contain a mix of retail and other commercial uses on the ground floor, and residential above. The wider area is however predominantly residential, formed mainly of two storey dwellings interspersed with larger areas of green space such as Kirkstone Park on the opposite side of Kirkstone Road North. These open spaces, some of which contain trees and other planting, as well as the wide pavement and vehicular carriageway, gives the area a spacious, suburban character.

7. The proposed mast would be positioned close to an existing streetlight which is situated close to the edge of the vehicular carriageway on Kirkstone Road North. There are also other street furniture items in the area, such as a telegraph pole further to the rear along Anderson Way. Despite the proximity to these vertical features, the proposed mast, at 18m in height, would be more than double the height of the telegraph pole and also that of the streetlight. It would also be significantly taller than any of the nearby properties and would thereby appear as a visually intrusive feature in the streetscene. I was able to see the location of nearby mature trees, but these are within Kirkstone Park on the opposite side of Kirkstone Road North and would not provide any roadside screening of the monopole. In any event, in other views where the trees and proposed mast would be seen together, the latter would appear conspicuously tall and be higher than any built or natural features in the area.
8. I appreciate the efforts that have been made to minimise visual intrusion, including the slim line pole design and the avoidance of more bulky and intrusive support structures. The appellant has also set out that there is an opportunity to select the colour of the pole. I also appreciate that in a built-up area, telecommunication installations do not in themselves appear unusual. However, in this particular instance, the excessive height of the mast and its intended positioning, would result in it appearing as an incongruous feature that would be harmful to the character of the area.
9. The appellant states that there would only be limited opportunity for a negative impact on residential amenity and that there are no residential properties that directly overlook the site. The mast would, however, be clearly seen from a number of residential properties, including the upper floor flats along Kirkstone Road North and the end property at No 1 Anderson Way. I do not consider as the appellant states, that these would be suitably distanced, and the proximity to these properties and the height of the mast would cause significant harm to the outlook of the residents within neighbouring properties.
10. A number of cabinets are also proposed which the Council are concerned would give rise to a sense of clutter. However, as the cabinets would be low level structures positioned in a linear arrangement close to existing bollards, they would not unduly add to street clutter. As such, I do not find that this element of the proposal would unacceptably harm the character and appearance of the area.
11. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and in this respect there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposed mast would provide 5G coverage and a number of potential benefits have been set out by the appellant. Reference has also been made to the Government's Future Telecoms Infrastructure Review (2018) and 'Planning for

Growth' (31 March 2011). These are said to support the proposal and the appellant has also made reference to another appeal decision in this respect¹. The Council acknowledge the substantial benefit to the area in terms of facilitating next generation mobile technology and improving existing coverage. I see no reason to take a different stance. The Council have however commented that the appellant has not properly addressed other potential sites in the area referencing, in particular, the area towards the junction of Church Road and Netherton Way.

12. The appellant states that the proposal is in a highly constrained cell search area and is influenced by various factors, such as the separation required from other equipment and the presence of underground services. Within the search area, a number of sites were considered and discounted, including some in the general vicinity of Church Road and Netherton Way which were discounted for reasons citing the 'location of a cycle lane' and in the case of one site, additionally citing obstruction from overhead tree canopies. I recognise that there is a need to ensure sufficient space for cyclists and to avoid natural features such as trees, but there is no persuasive evidence before me that explains how these factors led to the discounting of these sites. From my observations, the area around that junction includes areas of grass verge and wider areas of pavement, including areas that are not obstructed by tree canopies. These locations could potentially accommodate the proposal and I find the analysis of discounted options by the appellant is too generalised to eliminate other options.
13. I appreciate the need for this installation is to address the provision of 5G coverage in the area. It would provide benefit in terms of access and speed to a multitude of users and this weighs in favour of the appeal as does the potential of this proposal to facilitate future site sharing and use for future technologies. I have also no reason to question the need for a new site for this proposal and the adherence by the appellant to the sequential approach in considering existing base stations/structures, site sharing or installing on an existing building or tall structure. The proposal would, however, for the reasons set out above, be harmful to the character and appearance of the area. I note that a mast with a height of 18m is the minimum required. On the evidence before me though I am not convinced that less harmful alternatives have been properly explored and it is my overall view that the need for the proposal does not in this case, outweigh the harm.
14. Given my findings, the proposed development conflicts with paragraph 115 of the Framework and also the aims of policies EQ2 and HC3 of the Local Plan, which seek, amongst other matters, development that is sympathetically designed and makes a positive contribution to its surroundings.

Other Matters

15. Although the appellant considers that other locations would place the mast closer to more sensitive receptors or require an increase in height, I am not persuaded from the available evidence that this would necessarily be the case.
16. The proposal would not result in an obstruction to the free flow of pedestrians and there have not been any objections from statutory consultees. I note the concerns in relation to the potential effects on health but the appellant has

¹ Appeal Ref: APP/G4240/W/20/3263529

provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). A lack of harm in these areas are neutral matters and do not weigh in favour of the proposal.

17. I note the appellant sought pre-application discussions with the Council who did not provide a response. This appeal follows the Council's formal decision, and I can confirm that I have assessed the development on both its merits and impacts.

Conclusion

18. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR