



Appeal Decision

Site visit made on 19 April 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2022

Appeal Ref: APP/M0655/W/21/3289491

Chester Road, Lower Walton, Wilderspool, Warrington WA4 6AS

- 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 CK Hutchison Networks (UK) Ltd against the decision of Warrington Borough Council.
 - The application Ref 2021/40257, dated 26 September 2021, was refused by notice dated 24 November 2021.
 - The development proposed is an 18.0m phase 8 monopole C/W wrapround 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 18.0m phase 8 monopole C/W wrapround cabinet at base and associated ancillary works at Chester Road, Lower Walton, Wilderspool, Warrington WA4 6AS in accordance with the terms of the application Ref 2021/40257, dated 26 September 2021, and the plans submitted with it including drawings: 002 Site Location Plan, 210 Proposed Site Plan and 260 Proposed Elevation all under master drawing number WAR15081_M002 issue B.

Preliminary Matters

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. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies MP2, QE6 and QE7 of the Warrington Borough Council Local Plan Core Strategy (the CS, July 2014) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure telecommunications installations are suitably sited and of a high quality

design that does not adversely affect living conditions. Similarly, the National Planning Policy Framework is also a material consideration and includes a section on supporting high quality communications.

Main Issues

5. Therefore, the main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

6. The appeal site is located on a verge at the junction between Chester Road and Gainsborough Road. Chester Road is a main thoroughfare which is relatively open but with prominent street furniture. Primarily this consists of tall features such as an electrical pylon, streetlights, traffic lights and other various posts and signage. In contrast, Gainsborough Road is characterised by its residential nature and the low trees lining the road. By way of its location at the junction and the nearby boundary treatments, the appeal site is read in relation to Chester Road.
7. The proposed mast would be a tall but narrow feature which, while utilitarian in appearance, is of a tidy and compact design. Although in a prominent position at a junction, given its close proximity to other tall and utilitarian street furniture, it would be in keeping with the character and appearance of its context on Chester Road. Whilst the mast would be taller than much of the street furniture on Chester Road, it would still contribute towards the vertical nature of the surrounding furniture, including the significantly taller electrical pylon which dominates views in the area. Moreover, whilst it would be visible in views along Gainsborough Road, this would be softened by the street trees and seen against a backdrop of the other street furniture mentioned above. As such any effect it would have on the character and appearance of this road would not be unacceptable.
8. I therefore find that the siting and appearance of the proposal would not harm the character and appearance of its surroundings. In reaching this conclusion, I have taken into account, and find the proposal would comply with, Policies MP2 and QE7 of the CS as outlined above.

Living Conditions

9. As noted above, the appeal site is close to a residential dwelling and garden on Gainsborough Road. mindful of the dwelling's side windows and the garden, during my observations on site I found that the outlook from this building would be relatively restricted due to the tall, solid fence and trees along the boundary between the dwelling and appeal site.
10. Given the above I find that the boundary treatment would provide screening which would soften the appearance of the mast. Although the trees and fence could be removed, opening up views towards the appeal site, the narrow form of the mast would prevent it from being an overbearing or intrusive feature as a result of its height. Therefore, I find that the mast would not unacceptably affect the outlook from the neighbouring property or garden, and the living conditions of the occupiers would be protected.

11. As a result, I find that the neighbouring occupiers would not have their enjoyment of their home and garden unacceptably affect in the ways outlined above to the detriment of their living conditions. I have been mindful of CS Policy QE6, as outlined above, in reaching this decision.

Other Matters

12. I note the Council's concerns that an updated Site Specific Supplement Information document was provided during the appeal process. However, as the Council and any other interested party would have had the opportunity to comment on this updated document, I do not find that any party was prejudiced as a result.
13. Furthermore, although there are concerns over the alternative sites put forward by the appellant, as I have found no harm to result from the development as it is before me, this matter has not been determinative.

Conditions

14. Any planning permission granted for the erection of telecommunications equipment, including a mast and cabinets under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). 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, 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.
15. The GPDO does not provide any specific authority for imposing additional conditions beyond those deemed conditions raised above. As such, while the Council have suggested that the colour of the proposal be controlled, it is not within my powers to impose this condition. Notwithstanding this, as the surrounding street furniture is not of one unified colour scheme, I find such a condition would be unnecessary for the purposes of character and appearance.

Conclusion

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

Samuel Watson

INSPECTOR