



Appeal Decision

Site visit made on 5 January 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 1 July 2022

Appeal Ref: APP/Z4310/W/21/3280689

Great Homer Street, Everton, Liverpool L5 3SP

- 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 GPDO).
 - The appeal is made by Hutchison UK Ltd against the decision of Liverpool City Council.
 - The application Ref 21PT/1382, dated 7 May 2021, was refused by notice dated 6 July 2021.
 - The telecommunications installation proposed is Proposed 20.0m 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 Proposed 20.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works at land at Great Homer Street, Everton, Liverpool L5 3SP in accordance with the terms of the application Ref 21PT/1382, dated 7 May 2021.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require an assessment of the proposed development solely on the basis of its siting and appearance, taking into account any representations received. I have considered the appeal accordingly.

Planning Policy

3. The Liverpool Local Plan 2013-2033 was adopted on 26 January 2022. The parties have had the opportunity to comment on the updated policy position and these comments have been taken into account, where received. In any case, the principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have therefore referred to the relevant policies only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The effect of the siting and appearance of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site comprises an area on the edge of the footway on Great Homer Street, adjacent to a piece of vacant grassed land. The immediate surrounds are defined by the road network, with sizeable residential buildings including student accommodation opposite the site, with tall vegetation and multiple examples of street lighting also visible. This lighting lines both Great Homer Street and the lower level road below such that it adds variety to the height of vertical structures present in the vicinity and visible from the site.
6. While the proposal would represent a sizeable addition in this immediate section of the footway, it would nonetheless be experienced among the surrounding vertical structures so as not to appear out of place. Although it would not match the height of the streetlights, due to their staggered nature the addition of a structure of differing scale would not appear visually jarring. While noticeably taller, when read in the wider context of the site including the sizeable buildings opposite, the mast would not appear unduly imposing or cause visual harm to the area.
7. In addition, adequate separation distance would remain between the proposal and the surrounding development such that there would be no resulting visual clutter. It would be set back within the footpath, away from an existing cluster of streetlights and separated from the buildings opposite by the wide road and dividing island. From certain vantage points it would also be partially screened by intervening vegetation, further reducing its prominence.
8. My attention has been drawn to a planning permission granted for the erection of a 9 storey apartment block adjacent to the site. However, limited weight is attached to this given that the building has not yet been constructed and I have no information on when it is likely to come forward if indeed it will. In any event, I have assessed the appeal scheme on its own merits and, as I have explained, it would not result in visual harm.
9. The proposal would be sited close to this approved building, directly adjacent to the façade at Great Homer Street. However, due to the slimline nature of the mast and low level of cabinets in the context of the overall dimensions of the apartment block, there would be no undue visual clutter on the streetscene. While longer views of the proposal alongside the building would be possible, this would be in the context of the variety of surrounding vertical structures and tall development, so as not to appear jarring.
10. Overall, I therefore consider that no harm would arise to the surrounding character and appearance as a result of the siting and appearance of the proposal. In so far as they are material to the prior approval matters, the development would thus accord with the terms of Policies STP4, UD1 and UD2 of the Liverpool Local Plan 2013 – 2033.

Other Matters

11. The Council has provided evidence that the appellant had previously agreed to a reduction in the height of the structure, such that it considers the proposed 20m height to be unnecessary. However, I have decided the appeal on the plans before me and, in any event, I have found the 20m height to be acceptable.

Conditions

12. Any planning permission granted for electronic communications apparatus 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), 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

13. For the reasons given above the appeal should be allowed, and prior approval should be granted.

C Rafferty

INSPECTOR