



Appeal Decision

Site visit made on 2 February 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 12th July 2022

Appeal Ref: APP/Z4310/W/21/3279372

Sefton Street West SW, Sefton Street, Liverpool L8 6AH

- 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 Telefonica UK Ltd against the decision of Liverpool City Council.
 - The application Ref 20PT/3072, dated 27 November 2020, was refused by notice dated 20 January 2021.
 - The telecommunications installation proposed is 20m high streetworks column supporting 6no. antennas, 2no. 0.3m dishes and ancillary equipment. The installation of 2no. equipment cabinets and development ancillary thereto.
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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 20m high streetworks column supporting 6no. antennas, 2no. 0.3m dishes and ancillary equipment. The installation of 2no. equipment cabinets and development ancillary thereto at land at Sefton Street West SW, Sefton Street, Liverpool L8 6AH in accordance with the terms of the application Ref 20PT/3072, dated 27 November 2020.

Preliminary Matters

2. 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 and informed the main issue.
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 event, the principle of development is established by the GPDO 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 done so only insofar as the policies are a material consideration relevant to matters of siting and appearance

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including surrounding trees.

Reasons

5. The appeal site comprises a footpath on the western side of Sefton Street, at a wide, straight section of the highway. A grass verge with trees and vegetation is located behind, separated from the footpath by low metal railings. The immediate area is primarily commercial in nature and the street is lined with lampposts set back from the footpath edge. Two existing telecommunication masts are also sited in the immediate vicinity, one on each side of Sefton Street.
6. Although the proposal would be greater in height than the existing masts and lamp posts, vertical structures and tall landscape features are commonplace within this section of Sefton Street. While featuring a wider pole than the streetlights, with antenna at the top of the structure, it would overall remain a slimline addition that would not be so bulky as to appear disruptive within the street scene.
7. Rather than creating a sense of clutter in combination with the other masts and lampposts the proposal would visually assimilate with the surrounding pattern of development. It would be set back within the footpath aligning with the current vertical structures and experienced largely against the backdrop of vegetation, which together would serve to reduce its prominence. Although views of the proposal would be long ranging due to the nature of the road, in the surrounding commercial context and alongside existing vertical structures it would not appear unduly dominant or out of place.
8. I acknowledge that planning permission has been granted for a 20m high shared mast to the north of the site to replace the existing 14.5m high monopole, albeit that this did not appear to have been implemented at the time of my visit. Nevertheless, in the event that this were to be implemented I do not consider that the proposal, in combination with the other mast, would cause visual harm due to the additional sense of coherence that would be provided by a structure of a similar height.
9. While the Council also asserts that it is likely the other mast on Sefton Street will be upgraded to a similar height, there is no substantive evidence that this will be the case, such that little weight can be attached to this. In any event, each application must be decided on its own merits.
10. The Council has raised concerns relating to the effect of the proposal on the existing trees located behind the site. I agree that the presence of these trees contribute to the character and overall visual amenity of the area. However, the appellant has confirmed that the entirety of proposed works and vehicular access would be restricted to the highway and away from the branch spread, such that there would be no interference with either the trees or grass verge.
11. The Council has not provided detailed evidence to the contrary, beyond its general concern relating to the proximity of the proposal to the trees and root protection areas. I note that there are existing structures along Sefton Street located equally close to trees, and that the separation distance between the trees and the proposal would ensure no conflict once the mast is in place. On the basis of the information before me, I do not consider that the proposal would unduly harm the trees in the vicinity of the site or the contribution they make to the surrounding character and visual amenity of the area.
12. For the above reasons, I conclude that the siting and appearance of the proposal would not result in significant harm to the character and appearance of the area, including surrounding trees. It would therefore be acceptable and, as far as they are

material considerations relevant to the main issue, the appeal scheme would accord with the approaches of Policies STP 4 and G1 9 of the Liverpool Local Plan 2013 - 2033

Conditions

13. 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.
14. The Council has suggested a condition relating to the submission of an arboricultural method statement and tree protection plan. The GPDO does not provide any explicit authority for me to impose additional conditions beyond the deemed conditions for development by electronic communications code operators. In any event, in light of my conclusions above I do not consider such a condition to be necessary.

Conclusion

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

C Rafferty

INSPECTOR