



Appeal Decision

Site visit made on 1 August 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Appeal Ref: APP/M4320/W/22/3295594

Lulworth Rd/Palatine Rd, Birkdale, Southport PR8 2AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/02314, dated 18 September 2021, was refused by notice dated 15 November 2021.
 - The development proposed is a 15.0m Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural 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. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless had regard to Policy EQ2 of A Local Plan for Sefton (April 2017) (the LP) and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

4. The effect of the siting and appearance of the proposed installation on the character and appearance of the area, including the Birkdale Conservation Area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

5. The appeal site is located within the Birkdale Conservation Area (the BCA), whose significance is largely derived from the predominance of large, traditional villas which are set back from the highway within generous plots

with mature landscaping. These features, along with the considerable width of the mainly tree-lined streets, contribute towards a spacious and green parkland setting. The openness of the appeal site reflects the positive features of the BCA.

6. The street furniture in the locality of the appeal site comprises a small bus shelter and street lighting columns which are of a limited height and width and tend to be set back from the footway edge thus are largely screened by trees. The surrounding buildings are also set back from the public realm and are limited in scale. As such, the built form and infrastructure in this locality are not dominant features in the street scene.
7. To the contrary, the proposed installation would be of an excessive height and would be positioned close to the carriageway, in an area where the footway is more open due to its increased width and reduced tree planting and coverage. Although its siting would not impede pedestrian flow, it would however be in a prominent, open position and would be a noticeably dominant feature in the street scene due to the lack of screening. Accordingly, it would be a utilitarian feature that would visually jar with the spacious characteristics of the locality. I am not convinced that conditioning the colour of the installation would overcome these concerns.
8. The appellant asserts that the associated cabinets are permitted development and thus are not subject to prior approval. It has not been demonstrated how they would meet the permitted development requirements and, moreover, as they form part of the telecommunications works that have been applied for it seems to me that the cabinets are only required in conjunction with the proposed monopole, hence it is reasonable to consider the collective effect of the proposed installation.
9. Therefore, the siting and appearance of the proposal would cause harm to the character and appearance of the area, including the significance of the BCA, as it would be an unduly prominent and incongruous feature within an open part of the street scene. Overall, the harm to the significance of the BCA would be less than substantial. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
10. The proposal would facilitate improvements to 5G coverage levels and network capacity within the locality and is noted as being essential to bring optimum telecommunications and mobile broadband in the area. I note that the area surrounding the appeal site is somewhat lacking in coverage and there is a congested cell nearby. Chapter 10 of the Framework supports the provision of high-quality communications, noting that advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing.
11. The appellant has provided details of alternative sites which were considered for the proposed development and subsequently discounted. I acknowledge that the immediate area is residential in nature and there are heritage assets and tree canopies which may present issues with particular locations. Nevertheless, some of the alternative locations which were considered were some distance from the nominal, including sites outside of the BCA, yet coverage issues were not always sited as a reason for discounting them. I note

that there is variety in the built form and general streetscape in the wider area, particularly close to some of the considered alternative locations.

12. As such, there is nothing before me to suggest that there are no sites outside of the BCA or residential area which are not within the cell search target area or that they would not provide realistic alternatives. I am not therefore convinced that moving the proposal away from the currently proposed location would place it closer to more sensitive receptors or require a monopoly of increased height. Furthermore, the reasons for discounting many of the alternatives are weak. Overall, I am not therefore satisfied that the search and assessment of alternative sites was sufficiently robust or that an exhaustive search for a site that is less harmful than the appeal site has been carried out.
13. Accordingly, although the proposal would result in economic and social benefits, as it has not been satisfactorily demonstrated that there is a need for the development to be sited in the proposed location or that other more suitable sites are not available, this limits the weight I can afford them. As such, the harm I have identified is not outweighed by the need for the installation to be sited as proposed.
14. Insofar as they are a material consideration, the proposal would be contrary to the aim in Policy EQ2 of the LP for proposals to respond positively to the character, local distinctiveness and form of its surroundings, and the Framework's objective of achieving well designed places.

Other Matters

15. I note the various concerns raised by third parties, namely regarding outlook and highway safety, however as I am dismissing this appeal for other reasons there is no need for me to consider these matters. Concerns in relation to the effect of the proposal on property values is a private interest and is not therefore a consideration for the planning system.
16. With regards to potential effects on health, the appellant has 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). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

H Ellison
INSPECTOR