



Appeal Decision

Site visit made on 11 July 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18th August 2022

Appeal Ref: APP/Z4310/W/22/3294951

Childwall Priory Road, Childwall, Liverpool L15 6XS

- 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 Liverpool City Council.
 - The application Ref 21PT/1694, dated 27 June 2021, was refused by notice dated 24 September 2021.
 - The development proposed is a 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matter

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 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.

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. 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 had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the 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

Character and appearance

5. The appeal site comprises a section of footpath near the Childwall Five Ways roundabout in an area characterised by a range of residential and commercial uses. A telecommunications mast is opposite the site, with a further mast beyond the roundabout. Streetlights line the footpath, with cabinets also present nearby.
6. The proposed monopole would reflect the slim, vertical rhythm of the lampposts and telecommunication masts. However, it would be greater in height than many nearby structures, towering above the surrounding streetlights and buildings. While this height has been reduced during the application process and is necessary due to technical and operational requirements, it would nonetheless result in the proposal being a prominent addition to the streetscene.
7. The addition of such a feature among the proliferation of street furniture already present would lend a busy appearance to the footpath, creating an undue level of clutter. Its positioning close to other, taller monopoles would not ensure that it would assimilate in the surrounds but rather would create an unduly large agglomeration of poles along this section of the highway. In particular, due to the proximity of the existing monopole opposite, the combination of two sizeable structures flanking the highway would read as dominant and visually jarring, creating an incongruous gateway feature at this junction.
8. While limited views are possible from the northwest due to the presence of the roundabout and nearby trees, the site remains in a prominent position. It is located near the roundabout junction such that the proposal, on its own and in combination with other street furniture and masts, would be readily visible to passing pedestrians and vehicular users. In addition, long views would remain when travelling towards the site along Childwall Priory Road where, despite some vegetation, the prominence of the proposal and the resulting visual clutter on the footpath would remain evident.
9. The appellant has suggested that the colour scheme of the proposal could be specified via details required by a planning condition. However, the GPDO does not provide any authority for imposing additional conditions beyond those within Class A of Part 16. On this basis, it would not be reasonable to impose conditions relating to this matter which, in any event, would do little to address the harm identified above.
10. For the reasons given, I therefore consider that the siting and appearance of the proposal would cause significant harm to the character and appearance of the area.

Suitable Alternatives

11. Paragraph 117 of the Framework advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning decisions should support the expansion of electronic communication networks. The appellant has submitted evidence demonstrating the area surrounding the appeal site does not have the required 5G capacity to meet demand, which would be addressed by the proposal.
12. The appellant has set out the sequential approach followed before seeking prior approval. It states that the upgrading of existing sites or the use of existing masts, buildings or other structures were not possible in this instance. It advises that all attempts to utilise any existing telecommunication structures have been employed, albeit that no specific justification has been given for discounting the two monopoles near the site.

13. Evidence of the sequential approach also covers the consideration of alternative sites, put forward in both the Grounds of Appeal and the Site Specific Supplementary Information (SSSI) provided with the application. However, I note that Figure 5 of the SSSI refers to two sites labelled as 'Option 2' and 'Option 3'. No justification is provided for the discounting of these options, which subsequently do not feature in the Grounds of Appeal.
14. On this basis, the evidence does not convincingly demonstrate that the appellant has properly explored all potentially available alternative options. As such, it has not been demonstrated that there are no less harmful alternative sites to the appeal site.
15. Overall, I therefore have insufficient evidence to conclude an absence of suitable alternative sites. As such, on the information before me, the need for the installation to be sited as proposed taking into account any suitable alternatives does not outweigh the identified harm that would occur to the character and appearance of the area due to the siting and appearance of the proposal.

Conclusion

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

C Rafferty

INSPECTOR