



Appeal Decision

Site visit made on 3 November 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2022

Appeal Ref: APP/Z4310/W/22/3299368

Land adjacent to Melrose Road, Kirkdale, Liverpool L4 3TS

- 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 Hutchinson 3G UK Ltd against the decision of Liverpool City Council.
 - The application Ref 21PT/3552, dated 2 December 2021, was refused by notice dated 25 January 2022.
 - The development proposed is the installation of a 18 metre high monopole tower, associated radio-equipment cabinets and ancillary development hitherto.
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Decision

1. The appeal is allowed and prior 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 erection of a 18 metre high monopole tower, associated radio-equipment cabinets and ancillary development hitherto on Land adjacent to Melrose Road, Kirkdale, Liverpool L4 3TS, in accordance with the terms of the application, Ref 21PT/3552, dated 2 December 2021.

Main Issue

2. The proposal is permitted development under Part 16 Class A of the 2015 Order but prior approval is required for its siting and appearance under paragraph A.3(3). The main issue is therefore the effect of the proposal on the character and appearance of the area.

Reasons

3. The proposal is for a 18 metre slimline monopole with associated ground level cabinets towards the back of the footway on the south-eastern side of the A5038 Melrose Road at the point where a wide landscaped and tree planted strip separates the road from the Tees Street housing estate. On the opposite side of the road lie a woodland strip and railway line.
4. The appellant is building an enhanced 5G telecommunications network and requires a new mast site in the Melrose Road area to provide the necessary coverage in this densely populated area. It is not possible to upgrade an existing mast site to meet this need and there are no opportunities for site sharing available. The Council do not appear to dispute that the selected freestanding monopole design is the most suitable for the site.

5. The monopole would be sited next to a busy urban road where it would be clearly seen by numerous road users. Whilst both thicker and, at 18 m, taller than the regularly spaced 10 m streetlights which line the road, the installation would soon become an accepted piece of additional street furniture of a type which is increasingly common in roadside locations. The road has no unusual qualities or characteristics which would make the installation inappropriate in its setting.
6. Whilst there is residential development to the south-east comprising both two-storey flats and terraced housing, this is set well back behind a wide landscaped strip with earth mounding and extensive tree planting. Two flats and four terraced houses face towards the site but, contrary to the Council's statement, it is well screened by the intervening trees with minimal, if any, straight views of the proposed mast. The monopole would be taller than the 6 m trees but behind them and the view would be dominated by the latter, particularly when seen from ground floor windows, and the trees should grow over time. The visual impact on the outlook of nearby residents would therefore be acceptable.
7. There is strong policy support for advanced and high-quality communications infrastructure in National Planning Policy Framework paragraphs 114-118 and its improvement offers strong economic and social benefits. The appellant has considered but discounted alternative sites within the search area on Brewster Street, Goodall Street and Westminster Road, and no preferred site is put forward by the Council. There are numerous technical and locational requirements that limit the availability of suitable sites. There are no highway objections to the installation which would not obstruct pedestrian movements and ICNIRP health guidelines would be met.
8. For these reasons the proposed monopole would not significantly detract from the character and appearance of the area and would comply with Policies STP4, UD1 and UD2 of the Liverpool Local Plan 2022. These support new infrastructure to deliver local requirements that outweigh their adverse impacts and require development to be appropriate to the characteristics of the local area with its design, scale and mass adequately responding to existing structures and the public realm.
9. The Council have suggested three conditions should the appeal be allowed, but the time limit for implementation is not relevant to a permitted development appeal and approval necessarily only relates to the submitted plans. The application form states that the colour of the monopole and cabinets would be light grey (RAL 7035) which would be reasonable in this location. They need to be the same colour to give a unified appearance.

Conclusion

10. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR