



Appeal Decision

Site visit made on 19 April 2023

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2023

Appeal Ref: APP/H4315/W/22/3298091

Evelyn Street, Parr, St. Helens WA19 1SR

- 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 Hutchinson Networks (UK) Ltd against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2021/0845/TELPA, dated 5 September 2021, was refused by notice dated 4 November 2021.
 - The development proposed is 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. Part 16 of the General Permitted Development Order (GPDO) establishes that the proposed installation is permitted development. As such, the principle of the development, including the need for the facility, is already accepted. In accordance with Part 16 of the GPDO, I have assessed the proposal solely on the basis of its siting and appearance.
3. The GPDO contains no requirement to have regard to the development plan, but policies may be material considerations where relevant to matters of siting and appearance. Policy CP1 of the St Helens Core Strategy sets out general design criteria for new development, so is relevant to this appeal. Saved Policy GEN11 of the Unitary Development Plan (UDP) also applies, as it is concerned specifically with telecommunications development.
4. The National Planning Policy Framework (the Framework) includes sections on supporting high quality communications and achieving well designed places. The Framework is also a material consideration.
5. The Council's decision notice refers to a number of other policies, but the Council has clarified that they are not applicable to the appeal proposal. I agree with this assessment, and have not taken them into account.

Main Issue

6. The main issue is 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 alternative sites.

Reasons

Character and appearance

7. The appeal site is located on Chancery Lane (A572), the main route through Parr to St Helens town centre. The surrounding area displays a mix of land uses, but is predominately residential, with 2 and 3 storey houses and flats on either side of the appeal site. Immediately opposite the site, on the other side of Chancery Lane, is a public car park, around which are a variety of small-scale commercial uses.
8. The proposed equipment would be located just in front of a landscaped memorial garden, at the junction of Evelyn Street and Chancery Lane. This area of greenspace, although not large, provides a break in built form along this side of the road, with trees to the rear providing a welcome green aspect.
9. The memorial garden makes a small, but positive, contribution to the character of this built-up urban area. It also provides a green outlook to occupiers of the adjacent flats fronting onto Evelyn Street, several of which have habitable room windows and balconies which directly overlook the space.
10. Telecommunications equipment is an increasingly common feature of urban areas, but the proposal would be a new installation in this location. Its position in front of the memorial garden would detract from this feature, and the contribution which it makes to the streetscene.
11. The equipment would be sited at the back of a wide pavement. Whilst it would not impede pedestrian movements, the proposed 15m monopole and associated equipment would add additional visual clutter in a prominent location on Chancery Road.
12. I acknowledge that, from locations beyond Chancery Lane, surrounding buildings and trees would provide screening, so views of the installation would be limited. However, Chancery Lane itself is a busy main road, and its straight form would allow for long views of the equipment, when approaching from the north-east.
13. The proposed mast would be viewed in the context of existing vertical features in the area, which include regular street lamps. However, despite being reduced in height from the originally proposed 18m, the mast would be notably taller than the surrounding street furniture. It would also be much wider, and more bulky.
14. A programme of tree planting has been undertaken around the public car park, but this is on the other side of the road from the appeal site. Even when they have grown larger, the trees would provide little screening for the proposed equipment, which would appear as an isolated feature in this location.
15. I note that the proposed height is the minimum required to achieve the required coverage, and that the equipment has been designed to be as unobtrusive as possible. Nonetheless, the equipment would appear as an obtrusive and overly prominent feature in this open location, which would be

highly visible to passers-by, users of the car park opposite, and occupiers of the adjacent flats.

16. I conclude that, as a result of its siting, the proposed equipment would cause harm to the character and appearance of the area.
17. Although not determinative, the proposal would conflict with Core Strategy Policy CP1, which requires that development maintains or enhances the overall character and appearance of the local environment. It would also fail to comply with Saved UDP Policy GEN11, which says that telecommunications equipment should normally be unobtrusive in relation to primary residential areas and areas of mixed use. The policy also requires that, so far as practicable, equipment should be out of site from street level in areas frequented by the general public for their business, shopping and pleasure.

Alternative sites

18. The proposed 15m monopole and associated cabinets would provide new and enhanced 5G coverage and network capacity within the St Helens area, on behalf of CK Hutchison Networks (UK) Ltd. The need for the installation is not at issue, and the equipment must be located somewhere. However, as I have found that the proposed siting would cause harm to the character and appearance of the area, it is necessary to consider whether other, less harmful, options may be available.
19. Paragraph 117 of the Framework requires that information is provided to justify the proposed development. In relation to a new mast, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. In this case, the appellant has confirmed that there are no opportunities for site sharing in the area, and that a new mast is required. I have no reason to doubt this conclusion.
20. The appellant has explained that the cell search area is extremely constrained. Although it is difficult to ascertain its extent from the information provided, the area shown in Figure 6 of the appellant's statement appears to have formed the basis of the site search exercise.
21. Within this area, a number of alternative sitings are identified, which have been discounted for a variety of reasons. I agree that some of these would not be suitable, but in other cases it is less clear. For instance, option D4, on Parr Stocks Road, was discounted due to proximity to residential properties and underground services. However, there appear to be areas of that long road which have wide verges which are not directly overlooked by houses. It is unclear why the equipment could not be located further along the road, where the presence of trees and vegetation might provide greater screening than at the appeal site.
22. Similarly, option D7, on Gaskell Street, was discounted due to insufficient space, but slightly further down the road are wider roadside verges, which might be able to accommodate the equipment.
23. Whilst the area shown in Figure 6 is largely residential, there are a variety of other less sensitive uses in the vicinity. For example, there are industrial areas around Bedford Street and Hertford Street, not far from discounted option D3. These areas, which might provide a less obtrusive location for the equipment than the appeal site, do not appear to have been considered.

24. In light of the above considerations, and on the basis of the information provided, I am not convinced that there are no other, less visually prominent sites available nearby, where the equipment might be sited.

Other Matters

25. The appellant has provided a certificate to confirm that the equipment would not exceed the guidelines for public exposure set by the International Commission on Non-Ionizing Radiation Protection. As such, the proposal meets the requirements of Framework paragraph 117 in relation to public health.
26. Framework paragraph 114 highlights the importance of advanced high quality and reliable communications infrastructure, and the appellant has identified various social and economic benefits of the proposal. I do not dispute the importance of these factors, but the provisions of the GPDO mean that in this appeal, I am only able to consider matters of siting and appearance.

Conclusion

27. I have found that, as a result of its siting in a prominent position on Chancery Lane, in front of a memorial garden, the proposal would cause harm to the character and appearance of the area. As it has not been satisfactorily demonstrated that there are no other, less harmful options available, the appeal should be dismissed.

R Morgan

INSPECTOR