



Appeal Decision

Site visit made on 16 March 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2023

Appeal Ref: APP/Z4310/W/22/3312201

Grass verge adjacent to road, Long Lane North, Hartley, Liverpool L9 7AA

- 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 Cornerstone against the decision of Liverpool City Council.
 - The application Ref 22PT/1527, dated 27 May 2022, was refused by notice dated 20 September 2022.
 - The development proposed is described as 'The installation of a 17.5m 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 dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (GDPO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, requires 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 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. However, I have had regard to the policies of the Liverpool Local Plan 2013-2033, adopted January 2022 (LP), and the National Planning Policy Framework (NPPF) only in so far as they 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 streetworks column upon the character and appearance of the area.

Reasons

5. The appeal site comprises part of a grass verge which separates the footpath from the carriageway of Long Lane. The verge itself contains a number of trees that extend northwards along the carriageway, as well as street lighting. Further trees are located behind the footpath, lining the car park to the sports and leisure facility beyond. Other street furniture includes highway signage and utility cabinets, as well as signage for the sports facility and the Aintree

Industrial Estate. Other nearby tall structures include floodlighting. The area comprises a mix of uses, including residential, industrial and recreational. No heritage designations have been highlighted within the surrounding area.

6. Within this context, an extant planning permission exists to install a 17.5m high streetworks column supporting 6 antennas, two 0.3m dishes, 2 equipment cabinets and associated ancillary works, to the opposite side of the road¹. Therefore, were I to allow the appeal scheme, this could introduce a further streetworks column into the street scene, should both schemes be implemented.
7. I am advised that the design of the proposed streetworks column has been kept to a minimum in terms of its height and proportions and I note that a grey colour finish could be incorporated, to further mitigate any visual impacts on the surrounding area. I appreciate that the siting has been chosen to avoid sensitive residential receptors and that the search area has been constrained by the need to locate close to an existing installation that is being replaced.
8. Nevertheless, the streetworks column would be taller and bulkier than the nearest street furniture. The existing tree line along Long Lane would filter views of the proposal to an extent, when approaching from the north. However, this tree line does not extend far beyond the proposal to the south, and so when approaching from this direction, the streetworks column would be prominent. The effectiveness of any screening from trees would be limited in any event, given that the height of the proposal would exceed the height of these trees. As such, the proposed street works column would be highly visible within the street scene, as would the approved installation to the opposite side of the road.
9. Whilst the Council has accepted that this location can visually accommodate one streetworks column, the cumulative impact of a further installation would result in differing visual impacts, that require further consideration. The separation of the appeal scheme from the consented installation would be limited to the road width only, with the two schemes flanking both sides of the road in public views along Long Lane. Cumulatively, two schemes of this scale and in such close proximity, would give rise to a level of visual clutter at this location that would be detrimental to the character and appearance of the area.
10. I have been provided with a photograph example of two similar installations in close proximity to each other in Manchester. However, I haven't been provided with the planning background to these installations, in order to fully appreciate their consideration by the relevant authority. The photograph shows only part of the surroundings, with the high-rise buildings indicating a different context to the appeal scheme. As such, I attach limited weight to this other example and it does not alter my earlier findings.
11. I am advised that the extant planning permission to the opposite side of the road will not be implemented by the appellant because of the presence of underground services. However, planning permission runs with the land, not with the applicant, and there is no mechanism before me which would prevent the implementation of this extant permission, for example, if the underground services were to be re-located. Therefore, were I to grant planning permission,

¹ 21PT/0285

I cannot be certain that both schemes would not be implemented, however unlikely the operator may consider this to be.

12. As such, the siting and appearance of the proposed streetworks column, cumulatively with the consented installation to the opposite side of the road, would result in harm to the character and appearance of the area. LP Policy UD1 amongst other matters, seeks to ensure that the form, scale, proportions, materials and colour finish of new development is appropriately considered in order to make a positive contribution to the character and distinctiveness of the location. The NPPF requires telecommunications equipment to be kept to a minimum and to be sympathetically designed. As the siting and appearance of the proposal would harm the character and appearance of the area, it would conflict with both the LP and the NPPF.
13. The Council's first reason for refusal also references LP Policy STP4. As this policy refers to balancing national priorities against adverse impacts, I will consider this later in my decision.

Other Matters

14. The purpose of the proposed installation is to provide new 5G services to the area as well as enhanced 2G, 3G and 4G services. The Council has not disputed a need for the siting of such an installation within this wider area in order to achieve these improvements. The NPPF recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). I appreciate that in some cases, these benefits will be sufficient to outweigh harm to the character and appearance of an area, as illustrated in the appeal decisions referenced by the appellant, albeit each case must be assessed on its individual planning merits. If planning permission is refused, then the opportunities for delivering these benefits could be lost.
15. However, as set out above, planning permission already exists for similar telecommunications equipment on the opposite side of the road, which could deliver this increased coverage. There is no evidence before me to suggest that two masts would provide any additional benefits in terms of improved network coverage.
16. I am aware that the main parties have discussed various options to rescind this earlier permission, but no mechanism is before me. A legal agreement has been suggested by the Council but not pursued by the appellant. No reasoning for this has been provided.
17. Without any certainty that the planning permission for an installation to the opposite side of the road would not be implemented, then I am unable to conclude that there is a need for a further installation at this particular location, in order to deliver the identified benefits.
18. Pre-application consultation with Bank View High School, which lies to the east of the appeal site beyond the leisure centre, has not been undertaken by the appellant. As Redbridge High School has been notified, which lies immediately adjacent to Bank View High School, consultation with both would seem reasonable and appropriate. I appreciate that this has been an oversight by the appellant, given that paragraph 117 of the NPPF makes clear that applications

should be supported by the necessary evidence to justify the proposed development, including the outcome of consultations with organisations with an interest in the proposed development, in particular, with the relevant body where a mast is to be installed near a school or college. However, given that I am dismissing the appeal based on my findings in relation to the main issue, it is not necessary for me to consider this matter further as it would not alter my decision.

Conclusion

19. The siting and appearance of the proposed installation would result in harm to the character and appearance of the area, when considered cumulatively with the consented installation on the opposite side of the road. Given that this extant permission for a streetworks column could deliver the increased coverage needed, I am unable to conclude that there is a need to site the installation as proposed. Therefore, the harm I have identified is not outweighed by the benefits arising from the delivery of high-quality communications. LP Policy STP4 requires the contribution of new infrastructure towards national priorities and locally identified requirements to outweigh the adverse impacts. The proposal would conflict with this policy.

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

S Brook

INSPECTOR