



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: 29 June 2023

Appeal Ref: APP/Z4310/W/22/3305623

Stonebridge Lane, Gillmoss, Liverpool L11 4UE

- 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 MBNL against the decision of Liverpool City Council.
 - The application Ref 22PT/1412, dated 29 April 2022, was refused by notice dated 11 July 2022.
 - The development proposed is described as 'Proposed Telecommunications upgrade. Proposed 20.0m AGL Phase 8 monopole c/w wraparound cabinet at base and associated ancillary works'.
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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 Issues

4. The main issues are the effect of the siting and appearance of the proposed installation upon the character and appearance of the area and the living conditions of occupiers of neighbouring residential properties, with specific regard to outlook.

Reasons

Character and appearance

5. The appeal site comprises part of a grass verge separating the footpath from the carriageway of Stonebridge Lane. To the rear of the footpath is public open

space which includes the River Alt. The verge itself contains no vegetation other than grass, whilst the public open space to the rear contains a line of planted trees, which remain small at present. To the southeast and southwest of the site, the area is largely residential, comprising two storey housing and flats. Tall structures within the area are predominantly street lighting columns, though there are a number of telecommunication masts also. No heritage assets have been highlighted within the surrounding area.

6. The proposed installation would be significantly taller than the surrounding two storey housing. The limited separation distance from properties on Alt Meadow View, would emphasize this contrasting scale. The installation would be taller and bulkier than the nearest street furniture, being nearby streetlights. It would be in an exposed position between the footpath and the carriageway for passers-by, as well as in views from the south and west, given the lack of any backdrop of buildings, vegetation, or tall trees.
7. The slim form of the proposed installation and a sensitive colour finish would assist in mitigating these impacts to some extent. Noting the limited amount of street furniture, the proposed installation would not result in an unacceptably cluttered appearance to the locality. Nevertheless, as a result of its contrasting size and exposed position, the installation would result in some detriment to visual amenity, particularly at close quarters.
8. As such, the siting and appearance of the proposed installation would result in harm to the character and appearance of the area. LP policies UD1 and UD2 collectively, and amongst other matters, seek 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 places to be well designed and new telecommunication equipment to be sympathetically designed also. As the siting and appearance of the proposed installation would harm the character and appearance of the area, it would conflict with these policies.
9. The Council's decision notice also references LP Policy STP4. As this policy refers to balancing national priorities against adverse impacts, I will consider this later in my decision.

Living conditions

10. The nearest residential properties to the proposed installation would be those on Alt Meadow View. However, the nearest of these properties have a northeast/southwest orientation, with only a side elevation directed towards the proposal. The main front and rear views from these properties would only provide a very oblique view of the appeal scheme, and so the proposed installation would not be harmful to the living conditions of these occupiers in terms of outlook. The proximity of the installation would be notable when entering and leaving the nearest property, but the degree of separation and the slim form of the structure would be sufficient to ensure that this would not have an overbearing impact on the occupiers of this or nearby properties.
11. To the opposite side of Stonebridge Lane, some occupiers of this residential building would have a more direct outlook onto the proposal, separated only by the width of the road. From some windows, mature trees within the frontage of the residential building would filter views of the proposal, but the effectiveness of this would diminish in the winter months. However, the proposed installation

would take up only a portion of the view from these windows, which would otherwise be an open outlook over public greenspace and so the proposal would not have a materially harmful impact on the outlook of the occupiers of these properties.

12. To conclude, the siting and appearance of the proposed installation would not result in harm to the living conditions of occupiers of neighbouring residential properties, with specific regard to outlook. LP policies UD1 and UD2, seek to ensure that the form of new development considers views and the outlook from existing development. As the proposal would not harm living conditions, it would accord with these policies.

Other Matters

13. The appeal documents indicate that the purpose of the proposed installation is to provide a telecommunications upgrade to facilitate improved 5G coverage. Details are provided of an existing mast at the junction of Stonebridge Lane and Storrington Avenue. The Statement of Case from the appellant indicates replacement of this existing telecommunications infrastructure, albeit, the proposed installation would be at a different location, further north.
14. The appeal scheme is proposed as a substitute for planning permission 20F/0777, which would have provided the necessary upgrade on a different site to the south. I understand that this permission cannot be built due to the presence of underground services.
15. The Council has not disputed that the upgrade is necessary and that there is a need for the siting of such an installation within this area, in order to achieve these improvements. The granting of planning permission 20F/0777 demonstrates this. I attach significant weight to the need to locate the proposal within this area, in order to facilitate an upgrade for improved 5G coverage.
16. However, as the siting of the proposed installation would result in harm to the character and appearance of the area, it is necessary to consider whether there is a need for the installation to be sited as proposed, or whether the same benefits could be achieved by siting the proposal elsewhere within the search area, considering any suitable alternatives.
17. Limited information is provided with the appeal relating to site selection, though I note that the appellant comments that the search area is constrained. The justification for this is that discounted options were supplied with the original planning submission and thus the principle of siting is already established. However, the proposal would be sited in a different location to the existing mast, it is not a direct replacement, and so some consideration has been given to alternative siting. I appreciate that to provide improved coverage to broadly the same area, then the location of the upgraded mast will need to be within a certain distance of the existing mast. However, the information before me does not clearly explain why the location of the existing mast would not be suitable for the proposal. Nor does it set out the search area considered for the replacement mast, or any other sites in the area that have been considered and discounted (other than the site subject of planning permission 20F/0777).

18. As such, I am unable to conclude that all other alternative sites to that proposed, have been appropriately considered, in order to clearly establish that there is a need to site the proposal at this particular location.
19. The proposal has raised no technical issues or concerns from consultees and the proposed installation would not obstruct movement on the footpath. These matters are afforded neutral weight. I also note that the appellant considers that the installation would improve access to communication and emergency services, reducing opportunities for crime. However, I have no detailed information as to the level of any such benefit and therefore afford it limited weight.
20. I note that the appellant sought to engage with the Council and local councillors at the pre-application stage and received no response. I appreciate that a lack of response may be frustrating, however, I have dealt with the appeal on its planning merits. I also acknowledge the concerns of the public in terms of health and safety. In this respect the appropriate ICNIRP certificate has been provided and so I need not consider this matter further.

Conclusion

21. Whilst I have not found any harm arising from the proposal in relation to the living conditions of occupiers of neighbouring residential properties with specific regard to outlook, I have found that the proposed installation would result in harm to the character and appearance of the area. As I am unable to conclude that there is a need to site the installation as proposed, in order to deliver the upgrade and increased coverage identified, the harm I have identified is not outweighed by the benefits arising from high quality communications. LP Policy STP4 requires the contribution of new infrastructure to national priorities and locally identified requirements to outweigh the adverse impacts. Given my conclusions, the proposal would conflict with this policy.
22. For the reasons given above, I conclude that the appeal should be dismissed.

S Brook

INSPECTOR