



Appeal Decision

Site visit made on 3 August 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2023

Appeal Ref: APP/Z4310/W/23/3318486

Land near to Bus Stop adjacent Back Gillmoss Lane (Stop A), East Lancs Road, Gillmoss, Liverpool L11 0BB

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Cornerstone Telecommunications against the decision of Liverpool City Council.
- The application Ref 22PT/2206, dated 17 August 2022, was refused by notice dated 27 September 2022.
- The development proposed is Installation of a 20m high streetworks column supporting 6 no. antennas, 1 no. 0.3m dish, 1no. 0.6m dish. The installation of 2 no. equipment cabinets and development ancillary thereto.

Decision

1. The appeal is allowed and 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 installation of a 20m high streetworks column supporting 6 no. antennas, 1 no. 0.3m dish, 1no. 0.6m dish, the installation of 2 no. equipment cabinets and development ancillary thereto, at Land near to Bus Stop adjacent Back Gillmoss Lane (Stop A), East Lancs Road, Gillmoss, Liverpool L11 0BB, in accordance with the terms of the application, Ref 22PT/2206, dated 17 August 2022, and the plans submitted with it, including drawings 100 Rev A, 201 Rev A, 301 Rev A.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, 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.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO 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 2023 (the 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 installation upon the character and appearance of the area.

Reasons

5. The installation would be sited at the back of the footpath to a bus only lane, to the northern side of the A580 (East Lancashire Road). At this point, the A580 has three lanes to the main carriageway. To the north of the appeal site is fencing, with car parking beyond serving the Stonebridge Park and Ride, as well as further commercial buildings. These buildings are set back significantly from the road. To the south is residential development, separated from the road by an area of open space. As such, the highway at this location is wide and the setback of buildings gives this area a sense of space. Tall structures include street lighting columns, floodlights within the adjacent car park, and an existing streetworks column approximately 30m to the west. A mature tree lies immediately to the northeast.
6. Tall structures are a common feature in the street scene. The proposed streetworks column would be similar in height and appearance to the existing mast to the west, which is, by its nature, utilitarian in appearance. It would be taller than nearby street lighting columns, but shorter than the floodlights to the north. Whilst the proposed installation would add to the number of tall structures in this area, the sense of space resulting from the wide carriageway and the set back of buildings, would ensure that this did not result in a harmful level of visual clutter at this location. Only 2 additional cabinets are proposed, and so the contribution to clutter at street level would be relatively minor.
7. The proposed installation would be positioned to the same side of the carriageway as the existing streetworks column and set back from the main road to a degree, due to the presence of the intervening bus lane. For passers-by, these two streetworks columns would generally be viewed to one side of the road, and so it is unlikely that they would be experienced as a gateway feature. The nearby tree would provide partial screening in some views.
8. The submission indicates that the streetworks column would be coloured grey and the cabinets would be coloured green. These details would be suitable at this location and so the Council's suggested condition to secure a grey colour finish to both elements is unnecessary. In any event, the GPDO does not provide any explicit authority for me to impose additional conditions beyond the deemed conditions.
9. As such, the siting and appearance of the proposed installation would not be harmful to the character and appearance of the area. LP policy UD1 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 places to be well designed and new telecommunication equipment to be sympathetically designed. As the siting and appearance of the proposal would not harm the character and appearance of the area, it would not conflict with these policies, insofar as they are relevant to the appeal.
10. The Council's decision notice also references LP Policy STP4. This policy refers to balancing national priorities against adverse impacts. As I have not identified

any adverse impacts arising from the proposal, I have not considered this policy further.

Other Matters

11. The proposed streetworks column would be located at the edge of the canopy of a nearby tree. The Council has expressed some concern relating to pressure to prune the canopy of this tree in the future, should growth interfere with the reception of the mast.
12. The tree is already large, however I have no information to confirm whether it has reached maturity. The appellant has provided some basic photographic evidence of tree growth in the past and suggests that it would be a further 15 years before it would potentially interfere with the antennas, assuming the tree is not yet mature. This is a considerable time period and there is no information before me to suggest that this particular tree is not capable of accommodating some degree of pruning to its canopy, if necessary. As such, the evidence before me does not suggest that the proposed installation would unduly harm this tree.
13. Interested parties have raised health concerns. Paragraph 118 of the NPPF confirms that in determining applications, health safeguards should not be different from the International Commission on Non-Ionizing Radiation Protection guidelines for public exposure. The appellant has confirmed in writing that the proposal would be compliant with the guidelines laid down by the International Commission and so I need not consider this matter further.
14. A number of other concerns have been raised by interested parties. From my site visit, I observed that the proposed installation would be positioned a sufficient distance from neighbouring properties, to ensure no adverse impacts on outlook. There is no evidence before me to suggest that the proposal would interfere with pedestrian or vehicular visibility in relation to the road network, and the Highways Authority raised no concerns in this respect. No evidence has been provided to demonstrate that the required consultation has not been undertaken. As such, these other matters do not lead me away from my findings on the main issue.
15. It is suggested that the proposed installation would result in a depreciation of private property values in the area. However, planning in general is concerned with land use in the public interest. For this reason, this is a matter which I have not considered further.
16. Reference has been made to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance.

Conditions

17. Any approval granted under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications

purposes and the land restored to its condition before the development took place.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

S Brook

INSPECTOR