



Appeal Decision

Site visit made on 7 November 2023

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Appeal Ref: APP/W4325/W/23/3323131

Magazine Road, Bromborough, Wirral CH62 3LQ

- 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 Hutchison Networks (UK) Ltd against the decision of Wirral Metropolitan Borough Council.
 - The application Ref ANT/22/02125, dated 13 December 2022, was refused by notice dated 20 January 2023.
 - The development proposed is 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Because this is an application for prior approval, the provisions of the General Permitted Development Order (GPDO) 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. I have determined the appeal on the same basis.
3. There is no requirement to have regard to the development plan in this prior approval case, as there would be in an application for planning permission. Nevertheless, Policies TEL1 and TE1 of the Wirral Unitary Development Plan 2000 (UDP) are concerned with telecommunications apparatus and are relevant to the appeal proposal. The National Planning Policy Framework (the Framework) is also a material consideration, and includes a section on supporting high quality communications.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area. If any harm would occur, whether it would be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

Character and appearance

5. Magazine Road is a residential street in a suburban area of Bromborough. Houses front onto the southern side of the road, set back behind a grass verge

and landscaped front gardens. On the northern side of the road is a line of trees and shrubs, which form the wooded route of a former railway. The uninterrupted line of thick vegetation, which appears generally consistent in height, gives a verdant and uniform quality to Magazine Road. The quiet, domestic character of the street contrasts markedly with the busy A41, which it leads onto.

6. The proposed 20m street pole and associated cabinets would be sited on a grass verge between the road and footway, on the northern side of Magazine Road. The mast would be seen in the context of the regular street lamps which line both sides of the road, but the lighting columns are short and narrow and do not exceed the tree line. In contrast, the proposed mast would be significantly taller and wider. The existing vegetation would provide some screening, but the tallest trees are around 12m above street level, so the mast would appear significantly higher, and would interrupt the existing uniformity along this side of the street.
7. Moreover, Magazine Road is very straight, and the proposed installation would be sited within the grass verge in front of the trees. As a result, it would be clearly visible when travelling along the street, in either direction. The proposed mast would be of a simple, unfussy design, but it would nonetheless be a large and prominent piece of infrastructure, the scale and functional appearance of which would appear out of place here.
8. As the equipment would be sited on the grass verge, it would not prevent or significantly impede the use of the footway by pedestrians or other recreational users. Nonetheless, owing to its height and width, it would appear as an alien and unexpected feature here. Whilst it would not be directly in front of any residential property, it would be at odds with the domestic character of this street, and would detract from people's appreciation of the area. The impact of the proposal on visual amenity would not be minimal, so the proposal would not comply with UDP Policy TE1.
9. I therefore conclude that the siting and appearance of the proposed equipment would cause harm to the character and appearance of the area.

Alternative sites

10. The need for the installation has been accepted by virtue of the legislation and is not at issue. However, given the harm it would cause, it is necessary to consider whether other options for siting the equipment, which might have a lesser visual impact, may be available.
11. The appellant has confirmed that no options to site the equipment on an existing building, mast or other structure are available, and I have no reason to doubt that a new streetworks installation is necessary to provide the required 5G coverage for this area. I appreciate that rolling out this new technology has specific requirements to ensure adequate coverage and capacity, and that this affects the number of masts required and their height. I also note that the target cell areas are generally very constrained for this type of installation, so options for siting the equipment will be limited.
12. In this case, the information provided indicates that the target cell is a short section of the A41, which the appeal site is just outside of. Six alternative sites have been considered and discounted for various reasons, and I acknowledge

that the residential character of much of the surrounding area is a limiting factor. However, there are extensive commercial and industrial areas nearby which are very different in character to the appeal site, and which may offer alternative options for siting the equipment which are less sensitive than that proposed.

13. Croft Retail Park is close to the appeal site and target search area, on the other side of the A41 from discounted site D6. This major shopping park is characterised by large scale commercial buildings and extensive car parking, with regular tall street lights, large format signage and highway infrastructure. I note that a site on Welton Road within Croft Retail Park, (D3), has been discounted because pavements in that location are too narrow, but from my observations, grass verges behind the footways are commonly found across the roads in the retail park, including along the A41 frontage.
14. The surrounding commercial and industrial areas offer the potential to assimilate the proposed equipment more successfully, with less harm to the character and appearance of the area, than would be achieved at the appeal site. From the information provided, I am not persuaded that alternative options to site the equipment within these areas do not exist.

Other Matters

15. 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 agree that these matters are important, but the provisions of the GPDO mean that, in assessing this appeal proposal, I am only able to consider matters of siting and appearance.
16. As part of the application 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 (ICNIRP). As such, the proposal meets the requirements of Framework paragraph 117 in relation to public health.
17. I note comments from interested parties that the company referred to on the ICNIRP certificate no longer exists. Had the proposal been acceptable, I would have sought clarification from the appellant on this matter, but as I have dismissed the appeal, it is not necessary to consider this any further.

Conclusion

18. I have found that the proposed siting and appearance 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