



Appeal Decision

Site visit made on 23 January 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/W4325/W/23/3326907

Area of Grass Verge, Upton Road Street Works, Upton Road, Wirral CH43 9RN

- 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) Limited against the decision of Wirral Metropolitan Borough Council.
 - The application Ref ANT-X/22/02168, dated 21 December 2022, was refused by notice dated 27 February 2023.
 - The development proposed is Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Main Issue

2. The proposal seeks to erect a H3G 20m street pole and additional equipment cabinets (the mast). The principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4), the GPDO requires the Local Planning Authority to assess the proposal solely on its siting and appearance, considering representations received. It does not require regard to be had to the development plan.
3. As such, I have considered Policy TE1 of the Wirral Unitary Development Plan 2000 (DP), the Designing for Development by Mobile Phone Operators Supplementary Planning Document 2006 (SPD) and the National Planning Policy Framework (the Framework) only insofar as they are material considerations relevant to matters of siting and appearance. I am also aware of the emerging Wirral Local Plan 2021 – 2037 which has been submitted for examination. Such as the policies listed above, I have considered these emerging policies contained within the emerging plan only insofar as they are material considerations relevant to matters relating to siting and appearance.
4. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the street scene, and, if any harm would occur, whether this is outweighed by the need for the installation to be sited in this position by considering any suitable alternative sites and the public benefits.

Reasons

5. The mast would be situated on a grass verge adjacent to a roundabout along Upton Road. Grass verges are present to some size on all four roads which join the roundabout. However, this verge and the adjacent grass verge allow for greater visibility of the roundabout when approaching from Warren Drive. These examples are almost identical and contribute to promoting an open character in this small area around the roundabout. A strong hedgerow would be situated behind the mast, with a large tree located immediately adjacent to it. The mast would be situated in between two streetlamps and directly in front of residential properties located along Upton Road.
6. Sited on this grass verge, the mast would be visible from several vantage points along Upton Road and would be much taller than the adjacent streetlamps, trees and the two storey residential properties located behind it. This would give the mast a highly conspicuous and discordant appearance. Whilst the various trees situated along Upton Road would aid in disguising the mast from certain vantage points, this would not alleviate the harm found to its appearance on a permanent basis. This is due to their smaller overall height, but more decisively, these trees would not screen the mast in winter months. I recognise that the mast has been designed to be as low as operationally possible, but in this instance, I find that the proposal would not relate well to its immediate surroundings and would be visible from many vantage points along Upton Road.
7. The Council have cited that the mast would disrupt views of Bidston Hill, Bidston Court Gardens and Taylors Wood. These are designated urban green spaces. In this case, I find that due to the slim design of the mast when viewed from these sites, its angle and position and significant distance between them, that the proposal would not be harmful to these urban green spaces. However, this does not change my view that the mast would be harmful in its immediate surroundings.
8. The appellant has carried out an exercise to assess alternative sites for this proposal. However, the reasons as to why these particular locations have been discounted are low on detail. The options presented are discounted as they would be on residential streets with narrow pavements, proximity to railway lines and visibility splay issues. I have not been provided with appropriate assessments to evaluate these options. Therefore, from the evidence before me, I note that a sequential approach to site selection has been undertaken. However, this is not thorough enough to enable me to ascertain that other opportunities to erect a mast in another location would be less harmful to the siting and appearance of the proposal.
9. Only insofar as it is a material consideration, the proposal would work against the provisions of Policy TE1 of the DP and the SPD. Amongst other things, this policy and SPD favours applications for telecom developments, provided that their siting and appearance is not at detriment to its surroundings. The development would work against the provisions of the Framework and would be inappropriate in its proposed siting and appearance.

Other Matters

10. The Framework notes that significant weight should be placed on considering local business needs and wider development opportunities in supporting

economic growth and productivity. The Framework further states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. Fast, reliable and cost-effective communications infrastructure are important. The proposal would provide economic, social, health, environmental and educational public benefits in this locality. I also find no basis to question the case made by the appellant that the equipment is necessary to improve 5G coverage.

11. Nevertheless, I am not persuaded that there is an absence of more suitable sites at alternative locations within the applicable network area. The public benefits the mast would provide do not outweigh the harm I have found to the siting and appearance of the proposal in this case.

Conclusion

12. For the reasons given above, the appeal is dismissed.

J Smith

INSPECTOR