



Appeal Decision

Site visit made on 24 January 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2024

Appeal Ref: APP/W4325/W/23/3326910

Area of Footpath, Prenton Hall Road Street Works, Prenton Hall Road, Prenton CH43 0TE

- 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 ANTX/23/00407, dated 18 March 2023, was refused by notice dated 10 May 2023.
 - The development proposed is a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development is the erection of a H3G 15m street pole (the mast) and additional equipment cabinets. 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 the basis of its siting and appearance, taking into account 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) and the National Planning Policy Framework (the Framework) only insofar as they are material considerations relevant to matters of siting and appearance.

Main Issue

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.

Reasons

Character and appearance

5. The mast would be located on a footpath adjacent to a grass verge. The footpath and grass verge contribute to the character of the street scene in this

location as both make up a symmetrical footpath and grass verge which separate the junctions of Prenton Village Road and Waterpark Road. Two storey residential properties are in the space behind the mast and in the wider locality. Street furniture such as streetlighting columns, bus shelters, bollards and utility cabinets are located nearby to the proposed mast.

6. Situated towards the highway, this location would allow the mast to be visible from many vantage points with little to disguise its prominence and alien structure within the street scene. The structure would significantly stand above the two storey dwellings and street furniture in the immediate area, despite being designed to be as operationally low as possible. Existing foliage is low in height and would offer limited cover of the mast. Therefore, the mast would appear as a large and dominant structure that would appear alien in its appearance and the location it would be sited in.
7. The equipment cabinets would appear as smaller structures when viewed in context with the proposed mast. However, when viewed at the human scale by footpath users, these would be of a substantial height, appearing as incongruous features within the street scene.
8. The effect of the siting and appearance of the proposed mast and associated equipment cabinets would have a harmful effect on the street scene. Accordingly, insofar as they are a material consideration, the proposal would conflict with the provisions of Policy TE1 of the DP. Amongst other things, this policy holds a presumption in favour of applications for telecom installation, subject to the siting and appearance of the proposal. The development would work against the provisions of paragraph 119 the Framework which states that equipment should be sympathetically designed to its surroundings.

Alternative sites

9. An exercise to assess alternative sites has been undertaken by the appellant. The appellant identified that during this process, no mast sharing or existing building structures were identified and therefore, new base stations were identified as being required. The collection of alternative sites are discounted by the appellant due to the presence of overhead cables, narrow pavements, locations within residential areas and visibility splay issues. However, the reasons as to why these were discounted have not been thoroughly explained and no evidence has been provided to allow an assessment of these sites to be undertaken.
10. Given such, from the evidence before me, I find that a sequential approach to site selection has been followed, but not with sufficient rigour to enable me to ascertain that there are no realistic opportunities to erect an installation in a different location where its siting and appearance would be less harmful. The proposal therefore fails to comply with paragraph 121(c) of the Framework which encourages for communication infrastructure proposals to explore the possibility of utilising alternative sites.

Other Matters

11. 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.

12. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the NPPF advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conclusion

13. For the reasons discussed above, the appeal is dismissed.

J Smith

INSPECTOR