



Appeal Decision

Site visit made on 21 January 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th February 2025

Appeal Ref: APP/Z4310/W/24/3353435

Land at Melville Street, Toxteth, Liverpool L8 8LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Cornerstone against the decision of Liverpool City Council.
 - The application Ref is 24PT/0758.
 - The development proposed was originally described as 'the proposed installation of a telecommunications base station comprising a 20m monopole supporting 6 no antennas, 1 no 300mm dish, together with 3 no cabinets with ancillary development thereto'.
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Decision

1. The appeal is allowed and prior 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 proposed installation of a telecommunications base station comprising a 17.5 metre monopole supporting 6 no antennas, 1 no 300mm dish, together with 3 no cabinets with ancillary development at land at Melville Street, Toxteth, Liverpool L8 8LS in accordance with the application 24PT/0758 and the details submitted with it including plan nos 100 Rev A, 201 Rev B and 301 Rev B.

Preliminary Matters

2. Notwithstanding the description of development set out in the heading above, which is taken from the application form, the Council have confirmed that the height of the monopole was reduced to 17.5 metres. The Council have dealt with the proposal on this basis and so shall I. For clarity I have taken the description of development from the appeal form.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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.
4. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies STP4, UD1 and UD2 of the Liverpool Local Plan 2013 -2033 (LLP) are material considerations as they relate to issues of siting and appearance. In particular, they seek to support applications for the provision of new infrastructure and require

street character, skyline impact, scale, relationship to existing structures, function and amenity to be taken into account.

5. Similarly, the National Planning Policy Framework is also a material consideration, and this includes a section on supporting high quality communications. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The sections relevant to this appeal are unchanged. Therefore, the principles that apply to this decision remain the same.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on:
 - the character and appearance of the area; and
 - the effect upon the living conditions of nearby residents with regard to outlook.

Reasons

Character and appearance

7. Melville Street is a side road located in a built-up area and runs along the side and rear of a large supermarket, including its associated parking and landscaped area, and other commercial development. The other side of the route comprises residential dwellings which primarily sit side and rear onto the street. Vertical structures such as lighting columns, CCTV columns, road signs, trees, antennas and chimneys/tower structures on buildings exist along the route and on adjoining streets.
8. The appeal site comprises part of a footway located adjacent to a wall. The wall is hidden in part by tree and hedgerow foliage and forms the rear boundary of a commercial premises. It is close to the junction between Melville Street and High Park Street. Set back behind the wall is a large two-storey building with a hipped roof, to the side of which is a higher and narrower mono pitched tower structure. The side gable of a three-storey apartment block sits opposite the appeal site and this is set behind a wall comprising brick piers and railings.
9. The proposed installation comprises a 17.5 metre high 5G telecommunications mast with associated cabin equipment that would be positioned close to the back of the pavement. Whilst the lower part of the mast and cabinets would be set against the backdrop of foliage and the wall, the upper parts of the column including the antennas and dish would be fully visible against the skyline.
10. The proposed installation would be seen in the context of other vertical structures in the area, including the lampposts and the tower structure on the adjacent commercial building. The top of the mast would be similar in height to this tower and would be lower in height than the antennas attached to it. Whilst the mast would have a greater thickness than those antennas, it would be narrower than the tower structure and would be suitably spaced in between the neighbouring built forms. Even though it would be higher than the majority of other existing vertical structures in the area, it would not be prominently located or noticeably different to the lampposts that would sit in the foreground of the majority of views. On this basis, it would be seen as an unobtrusive piece of street furniture.

11. Consequently, I conclude that the siting and appearance of the proposed development would not adversely affect the character and appearance of the area.

Living conditions

12. The two-storey rear elevation of dwellings along Parkland Close, including 18 Parkland Close, face towards Melville Street. The rear gardens of these dwellings are enclosed by walls and gates. The outlook for these occupiers is relatively open and extends towards their respective rear boundaries, with views of the commercial premises including the tower and supermarket beyond. Whilst the proposed mast would be visible to these occupiers from their rear windows and garden, it would be seen in the context of existing building. Furthermore, its slimline nature and position at a slightly oblique angle on the opposite side of the road would ensure that it would not be an overbearing structure and an open outlook either side of it would be retained.
13. I conclude that the siting and appearance of the proposed installation would not harm the outlook of neighbours.

Other Matters

14. There is no dispute between the main parties that the appeal proposal is necessary to provide 5G services in the area. I have noted an interested party concern regarding the potential for alternative sites. However, as I find the siting and appearance of the proposed installation to be acceptable, it is not necessary for me to consider the availability of alternative sites any further.
15. Toxteth Reservoir, Town Hall and Our Lady of Mount Carmel Church are Grade II Listed buildings located close to the junction of Melville Street with High Park Road and have been referred to in the evidence. The effect of the proposal on their setting is not a matter in dispute. Furthermore, as this is an application for prior approval and not an application for planning permission, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), in relation to listed buildings, does not apply. Even so, having considered the separation distance and relationship between the appeal site and these assets, I am satisfied that no harm to their settings would arise.
16. An interested party has expressed concern relating to the effect of the proposal upon property values, however this is not a matter for my consideration in the determination of this appeal.

Conditions

17. Any permission granted for the development 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). These specify that the development must be carried out in accordance with the submitted details, must begin not later than the expiration of 5 years, and must be removed as soon as reasonably practicable once it is no longer required for these purposes and the land restored to its previous condition.
18. As the GPDO 2015 does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. As such, I have not imposed any further conditions.

Conclusion

19. For the reasons given above the appeal is allowed and prior approval is granted.

H Marriott

INSPECTOR