



Appeal Decision

Site visit made on 8 August 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Appeal Ref: APP/Z4310/W/25/3364407

Mulgrave Street's Pavement North of Selborne Street and South of Upper Parliament Street, Liverpool L8 2TF

- 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 Telecommunications against the decision of Liverpool City Council.
 - The application Ref is 24PT/2336.
 - The development proposed is the installation of a 20m monopole supporting 6 no. antennas and 2 no. 0.3m dishes, 2 no. cabinets, associated ancillary equipment and development ancillary 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 installation of a 20m monopole supporting 6 no. antennas and 2 no. 0.3m dishes, 2 no. cabinets, associated ancillary equipment and development ancillary thereto at Mulgrave Street's Pavement North of Selborne Street and South of Upper Parliament Street, Liverpool L8 2TF in accordance with the application 24PT/2336 and the details submitted with it including plan nos: 100 Rev A; 201 Rev A; and 301 Rev A.

Preliminary Matters

2. The application form, appeal form and decision notice give different variations of the site address. The address used in the decision notice most accurately identifies the location and has been agreed by the appellant. I have therefore used this in the banner heading and in my decision above, although I have corrected the spelling of Selborne Street.
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.

Planning Policy

4. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission.

5. Nevertheless, Policies UD1, UD2, STP4 and GI9 of the Liverpool Local Plan 2013-2033 (2022) 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, existing trees and amenity to be taken into account.
6. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications and achieving well designed places.

Main Issues

7. 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 living conditions of nearby residents with particular regards to outlook; the effect of the siting of the proposal on nearby trees; and if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

8. The appeal site consists of a relatively wide section of pavement on the eastern side of Mulgrave Street, close to its signalised junction with Upper Parliament Street. Mulgrave Street is a busy, straight road which has a mixed urban character consisting of terraced housing, apartments, car parking and community facilities. Adjacent to the appeal site is an area of grassed amenity land and several trees, separated from the pavement by low metal railings. Beyond this is a row of terraced bungalows along Kimberley Close.
9. Existing vertical street furniture in the area includes street lighting columns, road signage, and traffic signals and CCTV columns around the Mulgrave Street and Upper Parliament Street junction. Most of this street furniture is seen against the backdrop of existing trees within the amenity land, or at the back edge of the pavement, which gives this section of Mulgrave Street a leafy and verdant appearance.
10. It is proposed to install a 20m high mast with 6 antennas, 2 dishes and 2 equipment cabinets, which would be sited towards the back of the pavement adjacent to the railings of the amenity land. The installation would be of a functional appearance, typical of telecommunications equipment seen in urban areas. The mast would be the minimum height required to provide adequate coverage to the target area and avoid local 'clutter,' but it would nevertheless be significantly taller than the closest bungalows and existing vertical features, notably the street lighting columns on either side of Mulgrave Street. Further, although of a slimline design, the circumference of the antennas and dishes on the upper section of the mast would give it an appreciably bulkier appearance.
11. Despite being sited at the back of the pavement, from either direction on Mulgrave Street, and from the west from Selborne Street, the installation would be seen alongside the existing trees within the adjacent amenity land and on the edge of the car park opposite. These would provide a degree of screening and softening of the appearance of the mast, especially in months when the trees would be fully in

leaf. Further, in longer views from the north, the mast would be seen against the backdrop of the high dome of a mosque further along Mulgrave Street.

12. However, because of its height, the upper part of the installation, and particularly the antennas and dishes, would be visually dominant on the skyline in these views, above the existing trees and lighting columns. The visual impact arising from the mast would not be sufficiently mitigated by its light grey colour, despite matching the lighting columns.
13. The proposed equipment cabinets would be painted green and would be modest in number and size, viewed against the metal railings and the amenity land beyond. However, when viewed from close by, where the trees would provide a less effective foil, the proposed mast in combination with the cabinets would appear a dominant and intrusive feature in the streetscene.
14. I therefore conclude that the siting and appearance of the proposed installation would be detrimental to the character and appearance of the area.

Living conditions

15. The rear elevation of a row of bungalows on Kimberley Close face directly towards the appeal site, separated from it by the amenity land. The Viewpoint image included in the appellant's submissions shows the mast behind the end bungalow on the corner of Kimberley Close, and alongside an existing lighting column. From the rear of these bungalows, and from the row of two-storey houses sited perpendicular to them, the proposed mast would be more prominent than the image portrays.
16. However, the mast would be sited a reasonable distance away and the high boundary wall which encloses the gardens of the bungalows, as well as the existing trees within the amenity land, would provide a good degree of screening from the installation. Consequently, it would not appear so overbearing or unduly intrusive that it would result in harm to the living conditions of the occupiers of the bungalows.

Trees

17. The Council has raised concern about the absence of information to consider whether the siting of the proposal would have a detrimental impact on the long-term health of nearby trees and their public amenity value.
18. The proposed installation would be sited within the pavement, on the other side of the railings to the amenity land, and it would be outside of the existing canopy spread of the closest trees. Although the appellant has confirmed the installation would be constructed in accordance with NJUG 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees' (2007), I have limited submissions in respect of the age, health or species of the trees.
19. The closest trees within the amenity land are shown on the plans to range between approximately 7m and 16m in height. The trees on the opposite side of Mulgrave Street are some distance away and are shown as being approximately 10-12m in height sited along the edge of a car park, which is understood to be privately owned.

20. The Council's evidence suggests that there are trees on the amenity land which would grow to over 20m in height. Whilst the upper section of the mast would be taller than the existing trees, pruning may be required in the future when they grow to a sufficient size to interfere with the signal transmission. However, I have no persuasive evidence before me that such pruning would be detrimental to the health or longevity of these trees, or that it would not in any event form part of their long-term management. Moreover, the pruning of these trees would be in the control of the landowner.
21. For these reasons, based on the evidence before me, I conclude that the proposed installation would not unduly harm the trees in the vicinity of the site, or the contribution they make to the surrounding character and visual amenity of the area.

Suitable Alternatives

22. The Framework places importance on decisions that support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The operator currently provides coverage from a rooftop installation on the Umrah supermarket, which is shared with Vodafone. However, it would not be possible to upgrade this existing installation because the roof structure would not be capable of supporting the type of tower which would be needed. Consequently, the proposal is required to provide enhanced 4G capacity and to establish new 5G coverage for the O2 network, and it has been demonstrated that the site is within an area with demonstrable need for a new installation.
23. The Framework encourages the use of existing masts, buildings and structures for new electronic capability. Paragraph 122 of the Framework requires evidence to be submitted to demonstrate that applicants have explored the possibility of erecting antennas on an existing building, mast or other structure.
24. The appellant has undertaken a search for alternative sites within the cell search area, applying a sequential site selection process. Twenty-nine potential alternative sites have been assessed to accommodate the proposed development, as well as several sections or lengths of pavement. I have had regard to the submissions of the appellant and the 'Site-Specific Supplementary Information' which details the discounted options and why they were rejected in favour of the appeal proposal.
25. Seven rooftop options were discounted principally due to technical constraints, including the height, pitch or construction of the roof. The reasons for discounting the other sites included insufficient space, impact on nearby business operations, a lack of screening or the exposed nature of the site, or the location of underground services, especially for streetworks. The Council has not commented on these discounted sites or suggested any alternatives.
26. I am satisfied that the appellant has provided clear and persuasive evidence to justify why the other sites have been discounted and has demonstrated that there are no realistic alternatives. Consequently, I conclude that the harm to the character and appearance of the area would be outweighed by the need for the installation to be sited as proposed given the lack of suitable alternatives.

Other Matters

27. A local resident has expressed concerns about the health implications of the proposed installation. 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.

Conditions

28. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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.
29. Consequently, I have not imposed the additional conditions suggested by the Council in respect of the colour of the installation and the requirement for an arboricultural impact assessment and tree protection measures.

Conclusions

30. For the reasons given above, I conclude that the appeal is allowed, and prior approval is granted.

R Gravett

INSPECTOR