
Appeal Decision

Site visit made on 13 September 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 October 2016

Appeal Ref: APP/N4720/W/16/3154393

**Leeds Road, adjacent to roundabout at A639/A642, Oulton, Leeds,
West Yorkshire LS26 8EJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Telefonica UK Ltd against the decision of Leeds City Council.
 - The application Ref 16/00574/FU, dated 25 January 2016, was refused by notice dated 22 March 2016.
 - The development proposed is the installation of a 17.5m streetworks monopole supporting 3 no. antennas & 2 no.300mm dishes as well as 3 no. radio equipment housings and ancillary development at verge adj. to roundabout at A639/A642, Oulton, West Yorkshire, LS26 8EJ (NGR:436207E, 427753N).
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a 17.5m streetworks monopole supporting 3 no. antennas & 2 no.300mm dishes as well as 3 no. radio equipment housings and ancillary development at Leeds Road, adjacent to roundabout at A639/A642, Oulton, Leeds, West Yorkshire LS26 8EJ in accordance with the terms of the application, Ref 16/00574/FU, dated 25 January 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100B, 200C and 300D.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area including the adjacent Conservation Area.

Reasons

3. The appeal site comprises a grass verge located adjacent to a large and busy roundabout between the A642 and the A639 and adjacent to the site boundary of Rothwell Sports Centre. There is a group of mature trees located immediately to the rear of the appeal site between it and the sports centre. Other development in the immediate surrounding area includes a public house and hotel also adjacent to the roundabout, a shorter telecommunication pole on the opposite side of the A642 and a golf course at Oulton Hall which is a registered park and garden, screened from the site and the roundabout and
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road network by a large landscape belt. The roundabout and nearby road network is lit by a series of lamp posts located at regular intervals. The appeal site is located close to the boundary of the Oulton Conservation Area (CA) which includes Oulton Hall and its grounds.

4. Though the proposed monopole would be taller than the adjacent trees and nearby lamp posts, it would nevertheless be viewed in combination with the trees and in the context of surrounding development including a large number of lamp posts. The flat topography of the area means that the upper part of the pole would be likely to be visible from a reasonably wide distance, however it is of a slim design and is proposed to be coloured grey in order to minimise its visual impact. Having regard to the proposed location, design and scale of the pole and associated apparatus and to the character of the immediate surrounding area, I do not consider that the proposal would be an incongruous and unduly prominent feature. Whilst the appeal site is located in a gateway location, it is a busy location dominated by the large roundabout and adjacent road network and as such I do not consider that the provision of telecommunication equipment of the type proposed would be out of keeping with the location.
5. I have had regard to the sites location near to the boundary with the CA. However I consider that the site is sufficiently separated from the CA boundary and that the design and position of the pole together with nearby and intervening landscaping means that any views of the proposal either from within or towards the CA would not unduly harm the setting of the CA. The proposal would therefore preserve the character and appearance of the CA.
6. Taking the above matters into consideration, I conclude that the proposal would not adversely affect the character and appearance of the area including the adjacent Conservation Area. It therefore complies with policies P10 and P11 of the Leeds City Council Core Strategy, policies GP5, BD6 and N19 of the Leeds Unitary Development Plan, relevant paragraphs of the National Planning Policy Framework (the Framework), guidance contained within the Oulton Conservation Area Appraisal and to the test set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These policies and guidance and this legislation requires, amongst other things, that new development provides good design that is appropriate to its location, scale and function and preserves the historic environment including Conservation Areas.

Other Matters

7. In reaching my decision I have had regard to a number of other matters raised by the Council and interested parties. Firstly as I have found no harm resulting from the proposal there is no requirement for me to consider the need for it or to consider the alternative sites looked at and discounted by the appellant or suggested by others. I do not consider that the proposed cabinets would be a distraction to traffic approaching the roundabout given their scale and set back location and note that the highway authority raised no objections to the proposal.
8. 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 Framework advises that health safeguards are not something which a decision maker should determine.

9. Finally, I am satisfied that the proposal would not harm the setting of Oulton Hall. This is having regard to the relative position of the proposal and the Hall and grounds, to the intervening busy road, to the design and scale of the pole and the presence of existing landscaping.

Conditions

10. I have had regard to the conditions suggested by the Council and I have imposed a condition specifying the approved plans as this provides certainty.

Conclusion

11. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR