



Appeal Decision

Site Visit made on 4 January 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

Appeal Ref: APP/N4720/W/20/3260373

Princes Avenue, Roundhay, Leeds, LS8 2QS

- 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 Hutchison 3G UK LTD against the decision of Leeds City Council.
 - The application Ref 20/02298/DTM, dated 12 April 2020, was refused by notice dated 16 June 2020.
 - The development proposed is described as a Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
3. It is clear that the appeal site lies along 'Princes' rather than 'Princess' Avenue, so I have corrected the site address accordingly.

Main Issues

4. The main issues are the effect of the siting and appearance of the development on i) the character and appearance of the area, including whether the proposal would preserve or enhance the character or appearance of the Roundhay Conservation Area (RCA) and the setting of the nearby grade II listed Oakwood Clock Tower and Roundhay Park; and on ii) highway safety.

Reasons

Character and appearance

5. The appeal site is located within the RCA. In determining this appeal, I have a duty to pay special attention to the desirability of preserving or enhancing its character or appearance. From the information before me and my own observations, this part of the RCA derives its significance from its verdant landscape setting, with its parks and mature planting, wide verges, and high quality buildings.
6. The appeal site comprises an area of grass highway verge close to where Princes Avenue converges with other main roads at a busy junction. The

- Oakwood local centre lies to the south of the junction and comprises mostly three storey buildings close to Roundhay Road. In contrast, the area to the north of the junction along Princes Avenue, including the appeal site, displays a less developed verdant character which signals the entrance gateway to Roundhay Park, a Grade II Registered Park and Garden.
7. Standing within the market place opposite the appeal site is the Oakwood Clock Tower, a grade II listed building and local landmark. Whilst relatively modest in height, the elegant Clock Tower stands out as a focal point at this convergence of key thoroughfares through the RCA where it makes a positive and significant contribution to the visual character of the RCA and the gateway to Roundhay Park.
 8. The proposed mast would not be visible in long distance views. However, it would be highly prominent in closer views around the main junction, including from the market place and the approaches along Princes Avenue, Oakwood Lane and Roundhay Road. Although there is a preponderance of street lighting columns, road signs and traffic signals in the area, at 20 metres in height, the mast would project incongruously above these by a significant degree. The width of the mast and the associated cabinets at its base would further accentuate its incongruousness. Whilst the backdrop of mature trees would lessen the perceived scale of the mast when viewed from the west, they would have little screening benefit in the immediate context due to the mast's siting within the open highway verge rather than amongst the trees. Painting the mast an appropriate colour would not make the visual impact of the scale and functional appearance of the mast acceptable in this particular context.
 9. As such, the mast would be a dominant and visually intrusive feature in the street scene. Moreover, due to its height and proximity, the mast would exert a harmful dominance over the nearby Listed Clock Tower to the detriment of its historic and architectural significance, and to the setting in which it is experienced, including from views within and towards Roundhay Park.
 10. I therefore conclude that the siting and appearance of the development would have a significant adverse visual effect, and as such, would not preserve the setting of the nearby Listed Clock Tower and Park. Nor would it preserve or enhance the character or appearance of the RCA. This is contrary to Policy P11 of the Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) (the CS), and saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement (the UDP). These Policies seek to conserve and enhance the historic environment and ensure that proposals avoid problems of design and environmental intrusion.
 11. In the language of the National Planning Policy Framework (the Framework), the harm to the designated heritage assets would be less than substantial. It is therefore necessary that I weigh this harm against the public benefits.

Highway safety

12. The installation would be located close to a major signalised junction where queuing traffic at the lights represents an obstacle to visibility for any vehicles merging from Park Avenue. The plans originally showed that crane parking to facilitate the construction and maintenance of the installation would take place in the left feeder lane. Parking in this location would no doubt add obstruction and further complexity to the busy junction.

13. However, the parking area was only indicative and it has since been removed from the plans. In any event, I am mindful that construction and servicing would be temporary effects of the development. Furthermore, I am advised that a traffic management plan would need to be agreed separately with the Highway Authority. No other highway safety concerns arising as a direct consequence of the proposal have been raised.
14. I therefore conclude that the siting of the development would not have an unacceptable effect on highway safety. Thus, there is no conflict in this regard with paragraph 109 of the Framework, and Policies T2 of the CS and GP5 of the UDP. Together, these seek to prevent unacceptable impacts on highway safety.

Other Considerations

15. The Framework is clear that the provision of high quality communications infrastructure is essential for economic growth and social well-being. It also outlines that the expansion of electronic communications networks, including next generation mobile technology, should be supported. The proposal would facilitate up to 5G coverage and I have had regard to the public benefits of this technology to local residents, visitors and businesses in the area. I have also taken into account that the scale of the mast and equipment are the minimum possible to achieve the required coverage and comply with the International Commission on Non-Ionizing Radiation Protection guidelines. Cumulatively, these factors and public benefits weigh significantly in the scheme's favour.
16. Nevertheless, the Framework also recognises the need for telecommunications equipment to be sympathetically designed and camouflaged where appropriate. Even if I were to accept the appellant's claim that there are no other suitable sites in the constrained cell search area, albeit this has not been suitably demonstrated in the evidence before me, I am not satisfied that appropriate consideration has been given to minimising the visual impact of the installation in relation to the RCA, and the nearby Listed Building and Park. Heritage assets are an irreplaceable resource and great weight should be given to their conservation. Therefore, although the Government aims to facilitate the growth of new telecommunication systems, it also places great emphasis on protecting areas and buildings of architectural or historic importance.

Planning Balance and Conclusion

17. Having regard to all of the above, the weight that I attach to the public benefits and other factors in favour of the proposal would not be sufficient in this case to outweigh the less than substantial harm that would be caused to the designated heritage assets as a result of the siting and appearance of the development.
18. The proposal would therefore, for the reasons set out above, be contrary to the relevant identified policies of the development plan, and the Framework. I therefore conclude that the appeal should be dismissed.

A Caines

INSPECTOR