



Appeal Decision

Site visit made on 26 January 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2021

Appeal Ref: APP/W2465/W/20/3260405

**Pavement outside the Percy Gee Building, University Road, Leicester
LE1 7RH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3 (1) and Schedule 2, Part 16, Class A of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cornerstone Ltd against the decision of Leicester City Council.
 - The application Ref 20200304, dated 13 February 2020, was refused by notice dated 31 July 2020.
 - The development proposed is installation of 20m high monopole with antennas; 2 cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), 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.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. In light of the above, the main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal proposal would be located on the grass verge and would only impact on pedestrian flow on the infrequent occasions that servicing is required. The surrounding area is largely made up of academic buildings, some of which are locally Listed and is close to a Grade II Listed cemetery.

6. The appellants state that the proposed mast would facilitate Fifth Generation (5G) connectivity. The proposal would be visible above the existing treeline when seen in its context. The scale of the mast is strident, industrial in nature and has the external appearance of a structure more often seen in commercial or industrial areas and would be harmful to the architectural quality and locally listed settings of the nearby buildings, as well as affecting the context of the Listed cemetery. The mast would appear dominant in the locality and be harmful to the character and appearance of the area.
7. The mast would be relatively slender in design, and the top portion of the overall height is made up of antennas. However, I find that the mast and associated cabinets would add further to the existing street clutter, and harm the character and appearance of the area by adding such an industrial style of development into the wider academic area, with buildings of good architectural quality.
8. Paragraph 112 of the National Planning Policy Framework (the Framework) states that such telecommunications development is essential, and the expansion of electronic networks should be supported, including the next generation of mobile phone technology. Based on the guidance in the Framework, there would be public benefits from the proposal and that the development is a joint venture between two companies, which would reduce the need for additional masts.
9. Paragraph 115 of the Framework states that evidence must be supplied to demonstrate that alternatives have been taken into consideration. Additions to an existing mast or base station are excluded. As the proposal is a new siting, alternative sitings must be assessed. Considerable information has been supplied as evidence to show that this has been carried out and I am content that this has been carried out to an acceptable level.
10. On the evidence before me, the development would comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). As such, the Framework advises that health safeguards are not something which a decision-maker should determine. No substantive evidence is before me to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. I also note that the Council did not object to the development for these reasons.
11. The Framework recognises that planning decisions should support the expansion of electronic communications networks and the appellant has provided the necessary evidence to justify the proposed development. However, I have found the siting and appearance of the development would result in harm to the character and appearance of the area, which is not outweighed by these other considerations.

Planning Balance and Conclusion

12. I have taken into account the economic and social benefits of the proposal, and the supporting documentation provided that demonstrate the merits of an effective communications network. Nonetheless, I do not find these benefits outweigh the harm that would be generated by the siting of the mast and associated works in such a location.

13. For the reasons set out, I conclude the appeal should be dismissed.

Paul Cooper

INSPECTOR