



Appeal Decision

Site Visit made on 27 July 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2021

Appeal Ref: APP/N4720/W/21/3272812

Ashton Place, Harehills, Leeds LS8 5NU Easting: 431915 Northing: 434862

- 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 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 20/05618/DTM, dated 29 August 2020, was refused by notice dated 13 November 2020.
 - The development proposed is telecommunications equipment including proposed 16m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and 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 siting and appearance of telecommunications equipment including proposed 16m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at land at Ashton Place, Harehills, Leeds LS8 5NU Easting: 431915 Northing: 434862 in accordance with the terms of the application Ref 20/05618/DTM, dated 29 August 2020, and the plans submitted with it including plans 002 Site Location Plan Issue C, 210 Proposed H3G Site Plan Issue C, 260 Proposed H3G Elevation Issue C, 303 Proposed H3G Antenna Schedule & Line Configuration Issue C and 305 Equipment Schedule & Support Structure Details Issue C.

Procedural Matters

2. 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.
3. The application was amended after submission to reduce the height of the proposed monopole. I have used the description of development given on the decision notice and appeal form in the banner header and formal decision above, as this reflects the amendment.

Planning Policy

4. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require

regard to be had to the development plan. I have had regard to the policies of the development plan and the revised National Planning Policy Framework 2021 (The Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area.

Reasons

6. The proposed installation would be sited at the end of Ashton Place where it adjoins Harehills Road. Ashton Place has recently been stopped up for vehicles, which has resulted in a sizeable area of pavement being present. The side of Harehills Road on which the proposal would be located is, at ground floor level, characterised by commercial properties that have associated signage and by buildings of an imposing scale located close to the public highway. A substantial amount of street furniture, including tall street lighting columns, bus shelters, road signage and CCTV columns are present. Collectively, these factors characterise what is a visually vibrant shopping street.
7. There is therefore much to draw the eye on the section of Harehills Road in which the proposed development would be located, including in particular the signage of commercial premises and the various items of street furniture. The proposed monopole has been reduced in height to 16 metres, meaning that it would not be significantly higher than the street lighting in the area, and it would be set well back from the edge of the public highway on Harehills Road. Whilst taller than the adjacent buildings, it would not overly dominate them. In this context, it would integrate into the Harehills Road street scene in a visually acceptable manner.
8. From views looking down Ashton Place towards Harehills Road, the proposal would not be viewed in the surroundings of the commercial premises but instead in the context of being located at the end of what is predominantly a residential street. However, views down Ashton Place are already dominated by buildings and structures of substantial height that are associated with the nearby hospital. Given this existing backdrop, the proposal would not cause harm to the character and appearance of the area when viewed from the direction of Ashton Place.
9. For these reasons, the siting and appearance of the proposed installation would not cause harm to the character and appearance of the area. In so far as they relate to siting and appearance, as I have found that no harm would arise the proposal would accord with Policy P10 of the Leeds Core Strategy as amended 2019 and Saved Policy GP5 of the Leeds Unitary Development Plan Review 2006. There would also be no conflict with The Framework, where it refers to achieving well-designed places and in requiring that new masts should be sympathetically designed.

Other Matters

10. The Highway Authority does not support the proposal on the basis that it would reduce the public space available in the area and that it would impact on any future traffic schemes such as reopening Ashton Place to through traffic. However, plentiful pedestrian circulation space would remain in the area

adjacent to the proposed site and the installation would not affect what would have previously represented the extent of the pavements before the end of Ashton Place was closed off. Having recently been shut, there is no substantive evidence before me to suggest that there is an intention to reopen the end of Ashton Place or that there is likely to be a need to do this in the future. Therefore, these considerations do not carry weight against the proposal.

11. The proposed siting would minimise views of the installation from residential properties, as at this location there are only a limited number of windows that would have a direct view of it. There would therefore not be harm to living conditions as a result of the proposed development.
12. Details relating to a number of other potential sites for the installation have been provided, but as I have not found that harm would result from the siting and appearance of the proposal that is before me, it is not necessary to consider these alternative locations.

Conditions

13. Any planning permission granted for 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), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must 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.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

Graham Wraight

INSPECTOR