



Appeal Decision

Site Visit made on 2 August 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2021

Appeal Ref: APP/N4720/W/21/3275848

Tyersal View, Bradford BD4 8HT

- 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 UK Ltd against the decision of Leeds City Council.
 - The application Ref 21/02552/DTM, dated 17 March 2021, was refused by notice dated 12 May 2021.
 - The development proposed is described as "proposed 15m phase 8 monopole C/W wrapround cabinet at base and associated ancillary works".
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for proposed 15m phase 8 monopole C/W wrapround cabinet at base and associated ancillary works at Tyersal View, Bradford BD4 8HT in accordance with the terms of the application, Ref 21/02552/DTM, dated 17 March 2021, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Existing Site Plan; Existing Elevation A; Proposed H3G Site Plan; Proposed H3G Elevation.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 16, Class A, requires 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. Since the submission of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The area surrounding the appeal site is characterised by a mix of residential and commercial buildings of mainly two storey in size. The surrounding area is a typical urban area with common street furniture including street lighting, road signs, bus stops, trees and telegraph poles.
6. The proposal would be taller than the majority of structures and buildings in the area, approximately double the height of nearby street lights. However, telecommunication structures are common features in built up areas and the proposal, whilst being visible, would not necessarily be highly noticeable as it would blend in with the existing street furniture paraphernalia in the area.
7. The proposal would be located directly adjacent to a highway junction but set some distance from existing buildings. The proposal would mainly have a vertical emphasis which would be in keeping with street lighting and telegraph poles in the immediate locality. The proposal would be visible however due to its siting, bulk and design, it would not appear as an intrusive feature that would adversely compromise the street scene and surrounding buildings.
8. The proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal would be in accordance with Policy P10 of the Leeds Local Plan Core Strategy 2019, saved Policy GP5 of the Leeds Unitary Development Plan 2006, the Framework and the Code of Best Practice on Mobile Network Development in England (2016) which seeks development to provide good design that is appropriate to its location, scale and function.
9. I have had regard to comments received from members of the public including concerns that not all residents had been informed of the proposals. Evidence submitted indicates that the required statutory consultation on the application and the appeal has been undertaken.

Conditions

10. Beyond the standard conditions which are imposed by the Town and Country Planning (General Permitted Development) Order 2015, I consider it necessary to add a condition relating to the identification of plans to provide certainty and clarity.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Chris Baxter

INSPECTOR