



Appeal Decision

Site Visit made on 21 September 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/N4720/W/21/3279771

Chapeltown Road, Chapeltown, Leeds LS7 4DP

- 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 21/04079/DTM, dated 2 May 2021, was refused by notice dated 29 June 2021.
 - The development proposed is 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 Chapeltown Conservation Area; and ii) highway safety.

Reasons

Chapeltown Conservation Area (CCA)

3. This part of the CCA is tightly focused on Chapeltown Road, which is a gently curving main thoroughfare flanked by a rich mix of two and three storey houses, shopping/commercial parades and religious buildings in different architectural styles. In determining this appeal I have a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CCA.
4. The proposed mast would occupy a prominent location on the west side of Chapeltown Road, immediately opposite the Cowper Street junction. It would be highly visible along both Chapeltown Road and Cowper Street where it would appear as an incongruous addition to the street scene.
5. There would also be a number of ground equipment cabinets associated with the mast. I note that the appellant considers that the equipment cabinets would normally be permitted development. Nonetheless, the proposal before me relates to the whole installation and thus it is appropriate to consider the cumulative impact of all aspects of the proposed development. Whilst the equipment cabinets would be sited at the back of the footway, they would be conspicuous elements in a prominent position, which would add further to the visual impact of the development as a whole.

6. The modern buildings and car parking area behind the site do not contribute positively to the CCA. However, it has been highlighted that there are positive landmark buildings located in close proximity to the north and south which the mast would be seen in context with. I noted there to be other vertical street furniture in the form of streetlights, CCTV columns and traffic signals within the vicinity of the site, but these exhibit different visual characteristics in terms of their overall scale and dimensions, albeit they exert a strong urbanising influence. Accordingly, these factors diminish, but do not extinguish the visual impact of the development on the CCA.
7. For these reasons, I conclude that the proposed development would have a limited adverse visual impact which would neither preserve nor enhance the character or appearance of the CCA. The proposal would also conflict with Policies P10 and P11 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) (the CS), as well as saved Policy GP5 of the Leeds City Council Unitary Development Plan (Review 2006) (the DP), which together require development to be appropriate to its context and to conserve and enhance the historic environment.
8. In the language of the National Planning Policy Framework (the Framework), the harm to the CCA would be less than substantial. This is a matter of considerable importance and weight. Paragraph 202 of the Framework nevertheless requires such harm to be weighed against the public benefits of the proposal.
9. The proposal would facilitate up to 5G coverage in an area which is lacking such coverage. The satisfaction of a need for a facility in the area must therefore weigh strongly in favour of the proposal, albeit that the quantum of weight must be assessed in the context of an analysis of other alternative sites.
10. The appellant has highlighted that a number of other alternative locations for the proposed installation have been explored in what is a highly constrained cell search area. However, none were deemed suitable for reasons including proximity to listed buildings and residential properties, as well as insufficient space. My attention has also been drawn to a refusal for the siting of a 20 metre (m) high mast at Harehills Avenue. The Council does not challenge the appellant's assessments of the alternative sites, and whilst reference has been made to other potential 'less sensitive' sites behind the retail units and in Cowper Street, no specific details are provided. I am also mindful that those general locations are likely to be closer to residential properties. I therefore have no firm basis to suggest a better site than the appeal site to provide the required coverage.
11. The Framework is clear that the provision of high quality communications infrastructure is essential for economic growth and social well-being, and I have had regard to the benefits of this technology. I have also taken into account that from a technical standpoint the appellant has sought to minimise the impact of the installation by keeping the scale of the mast and equipment to the minimum possible. Furthermore, the mast would facilitate sharing, thereby minimising the number of future installations required. It is important to note that this proposal also falls within the parameters of 'permitted development' under the GPDO 2015.
12. On analysis of all the above, the weight that I attach to the public benefits and other considerations in favour of the proposal would be sufficient in this case to

outweigh the less than substantial harm that would be caused to the significance of the CCA as a heritage asset, and any conflict in this regard with CS Policies P10 and P11 and DP Policy GP5.

Highway safety

13. The proposed installation would be sited at the back of a wide footway where it would not obstruct the free-flow of pedestrian users. Nonetheless, it would be located close to the junction with Mexborough Street where the Council has concerns that the height and position of the equipment would have some potential to cause a visual obstruction in driver exit views to the south.
14. The Council's concern in this regard has been informed by an objection from the Highway Authority. In its Statement, the Highway Authority advises that the current achievable visibility from Mexborough Street is 2.4m x 49m, which is considerably below required visibility of 2.4m x 90m for safe egress at this junction. This is partly due to obstruction from the existing poster drum and bus stop located within the footway to the south. With the proposed installation, visibility in this direction would be further reduced to 2.4m x 32.6m. This has not been challenged by the appellant.
15. Chapeltown Road is a busy 30 mph route and has a shared cycle lane in the highway. I noted that the gradient of the road and stopping buses may influence traffic speed at this location, but no traffic speed data is before me. Accident data in the vicinity has been cited, and whilst not a decisive factor by itself, does add some additional weight to the Highway Authority concerns. Thus, in the absence of any substantive evidence to the contrary, the reduction in the already substandard visibility splay that would arise, would increase the potential for an accident occurring to the detriment of the safety of drivers and other road users at this point.
16. I therefore conclude that the siting of the development would have an unacceptable effect on highway safety. Thus, the proposal conflicts with the highway safety aims of CS Policy T2. The harm to highway safety that would arise would also mean that the proposal would fail to accord with paragraphs 111 and 112 c) of The Framework.

Conclusion

17. Although I have found that the less than substantial harm to the CCA would be outweighed by the public benefits of the proposal, I have identified, on the available evidence, that the siting of the proposal would have an unacceptable effect on highway safety. The proposal therefore conflicts with the development plan as a whole and there are no other considerations, including the Framework, that outweigh the conflict. These matters provide a clear justification for finding the scheme to be unacceptable and therefore the appeal should be dismissed.

A Caines

INSPECTOR