



Appeal Decision

Site visit made on 24 January 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal Ref: APP/N4720/W/21/3288835

North Parkway Streetworks, North Parkway, Leeds LS14 6RQ

- 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 GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Leeds City Council.
 - The application Ref 21/07101/DTM, dated 19 August 2021, was refused by notice dated 13 October 2021.
 - The development proposed is erection of a 15m high Hutchison Engineering Phase 8 Streetworks Pole with built-in cabinet and 3no additional ground-based cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO 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, having regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to the matters of siting and appearance.

Main Issue

3. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternative sites.

Reasons

Character and appearance

4. The appeal site is located within the pavement on the south side of North Parkway at its junction with Kentmere Avenue. It lies adjacent to the Our Lady of Good Counsel Catholic Church, which is distinctive for its tall campanile tower of Italian Romanesque design, and sits within open grounds at this prominent corner location.
5. I note from the Council's delegated report that the church is considered to be a non-designated heritage asset, but for the purposes of this appeal I do not have sufficient evidence to confirm its status as such. Irrespective, I do agree

that the scale, design, and prominence of the church tower has local landmark qualities and contributes positively to the street scene and local distinctiveness of the area.

6. I am informed that the height of the proposed mast has been reduced from a previous submission to the Council and now represents the minimum height possible. Even so, at 15m tall the mast would clearly stand out in this open and exposed corner location. The taller church tower would provide some degree of context in terms of vertical structures. However, the siting of the mast so close to the tower, combined with its contrasting functional appearance, would result in an uncomfortable and jarring visual relationship when the mast is viewed collectively with this attractive local landmark feature. In addition, the mast would notably exceed the height of other structures in the highway such as telegraph poles and streetlights, and it would be much bulkier in appearance. Tree coverage in the vicinity is sparse. Consequently, the existing vertical features in the surrounding area would do little to assimilate or soften the visual impact. I note the appellant's offer to paint the mast a different colour, but this would not make the visual impact of the siting and functional appearance of the mast acceptable in this particular context.
7. It has been indicated that the associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval. This matter does not alter my findings above with regards to the harm from the proposed mast.
8. I conclude that the siting and appearance of the proposed installation would have a significant adverse visual effect, which would be harmful to the character and appearance of the area. Thus, insofar as they are a material consideration, the proposal conflicts with the design aims of Policy P10 of the Leeds City Council Core Strategy (as amended 2019), saved Policy GP5 of the Leeds City Council Unitary Development Plan (Review 2006), and the Framework.

Alternative sites

9. From the additional evidence provided with the appeal, it is clear that siting the equipment within the Church tower is not a viable option for technical reasons and can therefore be reasonably discounted.
10. Some ground based sites appear to have been discounted for reasons including greater visual prominence, proximity to residential properties, and the width of the pavements. However, the precise details of these sites is very limited so it is difficult to make any meaningful assessment of their suitability. It is notable that the 'preferred nominal location' is a short distance to the south by the junction of Kentmere Avenue and Rosgill Drive, where the pavement width and distance to residential properties seems comparable to the appeal site. It is unclear from the appellant's submission whether this site has been discounted as an option, and if so, for what reason.
11. Accordingly, there is insufficient information before me to demonstrate that there are no alternative sites on which the installation could be located in the target cell area. As such, I am not satisfied that the harm I have identified above is outweighed by the need for the installation to be sited as proposed.

Other Matters

12. Reference has been made to various social and economic benefits that would arise from the proposal. However, those benefits have effectively been recognised by the grant of permission under Article 3(1) of the GPDO. Moreover, the GPDO is clear that the only considerations should be the siting and appearance of the proposal. Consequently, the benefits have not been taken into account in considering the matters of siting and appearance.
13. Two appeal decisions have been referred to, but they are not in the same location and therefore have limited bearing on the outcome of this appeal, which has been considered on its own merits in relation to the site-specific circumstances in this location.

Conclusion

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

A Caines

INSPECTOR