



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: 17th February 2022

Appeal Ref: APP/N4720/W/21/3288727

St Annes Road, Headingley, Leeds LS6 2AL

- 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 21/07961/DTM, dated 19 September 2021, was refused by notice dated 11 November 2021.
 - The development proposed is 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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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 Issues

3. In light of the above, the main issues are the effect of the siting and appearance of the proposed installation on:
 - the character and appearance of the area, having regard to the setting of the Headingley and Far Headingley Conservation Areas;
 - highway and pedestrian safety; 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 alternatives.

Reasons

Character and appearance

4. The proposed installation would be located within the pavement next to the St Anne's Road Car Park, close to a busy four-way junction with Otley Road. There are commercial premises on both sides of Otley Road at this point, but

apart from the hotel further to the south, the built form is generally two-storey in height.

5. The mast would be sited amongst a variety of existing street furniture and vertical infrastructure surrounding the junction, including street lighting columns, traffic lights, a cctv column, and an existing slimline telecommunications pole. Even so, at 15m tall, the mast would clearly stand out in this open corner location where it would be noticeably taller and bulkier than any of these other features. It is only from further north where the mast would benefit from some screening by trees within the highway, and even then, it would be dependent on the time of year. In views from the east, west and south, the top part of the mast would be prominent against an open skyline. Accordingly, in its context in relation to the townscape in this location, the mast would be prominent and incongruous.
6. 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.
7. The appeal site is just outside the boundaries of the Headingley and Far Headingley Conservation Areas. Significance can derive from the setting of a heritage asset as well as its physical presence. However, on the limited evidence before me and my own observations, the main significance of these heritage assets emanates from their internal qualities rather than from links to the wider area.
8. The Framework defines setting of a heritage asset as the surroundings in which it is experienced. Furthermore, great weight should be given to the conservation of assets although the proposal should not be treated as if it were within the conservation areas. The proposed mast would nevertheless be seen from within them. However, that does not automatically mean that there would be an adverse impact on either conservation area itself even though the appearance of the mast would be harmful in its own context. In this case the significance of the heritage assets is found within their defined areas. The surroundings beyond, including the appeal site, contribute very little to that significance so that the proposal would not detract from their overall value. It follows that the setting of these heritage assets would be preserved.
9. Nevertheless, as a result of its siting and appearance, the proposal would cause a moderate degree of harm 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) (the CS), saved Policy GP5 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP), and the Framework.

Highway and pedestrian safety

10. The installation would be positioned a short distance from the exit to the adjacent St Anne's Road Car Park. The car park is small, but given the number of shops in the vicinity, it is likely to be well used during the daytime. Furthermore, according to local highway authority (LHA) figures the site frontage is heavily trafficked.

11. The LHA has produced a drawing to illustrate the visibility splay requirements from the car park exit. This drawing shows that the proposed installation would be located within the eastern visibility splay and could therefore interfere with drivers' visibility of oncoming vehicles when exiting the car park. This would pose a greater risk to the safety of highway users at this point. The appellant has not provided any information to contest the LHA's drawing. Furthermore, no evidence has been provided to justify a reduced visibility splay. Accordingly, the appellant has failed to demonstrate that the proposed installation would not have an unacceptable impact upon highway safety in this regard.
12. In terms of pedestrian safety, the pavement in this location is approximately 3.7m wide, which would be reduced to approximately 2.64m for the length of the proposed installation, according to the LHA measurements. This is slightly below the 3m pavement width recommended by the Council's 'Street Design Guide' Supplementary Planning Document for locations with a high level of pedestrian activity. Nevertheless, the width would be sufficient for most pedestrian movements, allowing people to pass in opposite directions. An issue could arise for a double buggy or wheelchair with passing movements, but in my view, it is more likely that one party would wait for the other to pass rather than stepping into the road in this location. Furthermore, the frequency of such incidents occurring is likely to be low. Thus, whilst there may be potential for some inconvenience to pedestrians, it would be unlikely to result in problems of pedestrian safety.
13. The LHA has expressed a further concern in relation to potential impact on a planned junction improvement scheme. However, it appears that these concerns relate to the depiction of the existing telecommunications mast on the north side of St Anne's Road, rather than the appeal proposal. Indeed, the LHA states that the proposals on the southern section of St Anne's Road will not impact the highway scheme. As the proposal is restricted to the southern section of St Anne's Road, it would be unlikely to prejudice the junction improvement scheme.
14. Therefore, whilst the siting of the proposal would be acceptable in relation to pedestrian safety and junction improvement matters, it would have unacceptable highway safety implications in relation to visibility splays. Thus, insofar as they are a material consideration, the proposal conflicts with the highway safety aims of Policy T2 of the CS, Policy GP5 of the UDP, and the Framework.

Alternative sites

15. The appellant asserts that the cell search area is extremely constrained, and the only viable option has been put forward. I have had regard to the Site Specific Supplementary Information and the discounted options.
16. Some ground based sites within the search area appear to have been reasonably discounted for reasons including proximity to residential properties, pavement width, and overhead obstructions from cables and tree canopies. The nearby conservation areas are a further recognised constraint.
17. However, some sites have been discounted solely for their proximity to commercial properties. The fact that a mast would be near to commercial properties does not in itself mean that it would have an unacceptable visual impact and ought to be discounted from consideration. Indeed, the appeal site

is close to commercial properties and was not discounted on that basis. Furthermore, it is unclear from the appellant's submission whether consideration has first been given to the possibility of utilising an existing building, particularly the nearby hotel, which is one of the tallest buildings in the area.

18. Accordingly, there is insufficient information before me to demonstrate that there are no less harmful sites on which the installation could be located in the target cell area. I also attach considerable importance to highway safety. 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

19. 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.

Conclusion

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

A Caines

INSPECTOR