
Appeal Decision

Site visit made on 11 April 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Appeal Ref: APP/N4720/W/22/3290572

Beeston Road, Beeston Hill, Leeds LS11 8BS

- 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 of the Town & Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Leeds City Council.
 - The application Ref 21/06028/DTM, dated 4 July 2021, was refused by notice dated 25 August 2021.
 - The development proposed is a 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 Matter

2. The description of the proposal has altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have considered the appeal on this basis.

Planning Policy

3. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. The issues that should be considered are siting and appearance.
4. Nevertheless, Policy P10 of the Leeds Core Strategy (2019) (CS) is a material consideration as it relates to issues of siting and appearance. It sets out that proposals will be supported where they accord with key principles.
5. Amongst other things development should protect the general amenity of an area through high quality design that protects and enhances surrounding routes and useable space.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the area and on safe pedestrian movement along the pavement with particular regard to the siting and appearance of the development.

Reasons

7. I accept that the monopole would be taller than the nearby trees and lighting columns. However, the lighting columns at this reasonably busy road junction are tall and numerous and therefore tall street furniture forms an established part of the character and appearance of the area.
8. I also accept that the monopole would be of greater thickness and bulk and would form a more obvious feature within the street scene. However, this is a highly urban city location, where some incursion to the skyline and openness could reasonably be expected.
9. The proposal would subsequently have no significant adverse effect on the character and appearance of the area and would be acceptable in terms of its appearance.
10. Adjacent to the monopole and its associated equipment cabinet, 2No. H3G cabinets would sit within what is a reasonably wide footway. The larger of these cabinets would be of significant size and bulk.
11. Problematically, it would be placed in very close proximity to the accessible door serving the entrance to Boots Pharmacy immediately to the east of the site. Allowing for the gap to the rear of the cabinet, there would be a substantial projection in front of the wall to the rear of the site.
12. Despite the 2.4m gap between the corner of the cabinet and the existing streetlight, given the very close proximity of the cabinet to the entrance door and its size, it is highly likely that it would hinder pavement access to and from the pharmacy for those for example with reduced vision or those reliant on a wheelchair.
13. I observed on my site visit on a weekday morning that the pharmacy appeared well used, and I have no reason to consider that this would not be the case at other times.
14. The cabinet would therefore have a significant adverse effect on safe pedestrian movement along the pavement and would therefore be unacceptable with regard to its siting. There would be conflict with the aims of Policy P10 of the CS.
15. There are clear benefits in providing complete 5G coverage and I appreciate that difficulties have been identified with other sites and that equipment sharing has been ruled out. However, coverage should not be achieved at any cost. On the basis of the evidence before me, I cannot completely rule out that no other site could be suitable, or that perhaps a more appropriate arrangement could be devised for this location avoiding the problem that I have identified.

Other Matters

16. It is suggested that I should discount the cabinets from consideration due to them comprising permitted development without prior approval. However, they form an intrinsic part of this development as a whole and are included as ancillary equipment that form the proposal as a whole.

17. Further, there is nothing conclusive within the evidence to indicate that the cabinets would form permitted development. I therefore afford this matter limited weight.

18. I appreciate that the proposals have been revised from an earlier application, but nonetheless I have identified serious adverse impacts arising from the proposed siting under this proposal.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR