
Appeal Decision

Site visit made on 24 May 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2022

Appeal Ref: APP/N4720/W/22/3295213

Ganners Way, Bramley, Leeds LS13 2BD

- 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 & 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 21/07289/DTM, dated 20 August 2021, was refused by notice dated 18 October 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 allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) for a 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Ganners Way, Bramley, Leeds LS13 2BD in accordance with the application Ref 21/07289/DTM dated 20 August 2021 and the details submitted with it including plans 002, 100, 150, 210, 260, 303 & 305.

Procedural Matter

2. The original address included references to Farsley and Hawksworth. The site however appears to be within the Bramley area of Leeds, and I have therefore updated the address within the banner heading with reference to the Council decision notice. The location of the proposal is clear within the evidence.

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. There is not requirement to have regard to the development plan. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
4. Nevertheless, Policy P10 of the Leeds Core Strategy (2019) (CS) and Policy GP5 of the Leeds Unitary Development Plan (2006) (UDP) are material considerations as they relate to issues of siting and appearance.
5. Amongst other things the policies broadly support good quality design - offering support to proposals where amongst other things the size, scale, design and layout of the development is appropriate to its context. They also

seek to support proposals where the development protects the visual, residential and general amenity of an area.

Main Issues

6. The main issues relate to siting and appearance. The first main issue is the effect of the proposal on the character and appearance of the area. The second is the effect of the proposal on the living conditions of nearby residential occupiers with particular regard to outlook.

Reasons

7. The monopole would form a feature that would be higher than the existing street lighting columns and mainly two storey residential dwellings which are prevalent within the area as well as nearby trees.
8. However, it would be of a similar colour to the columns and would be situated on a wide area of pavement within close proximity to the overtly modern Church of St Margaret within the suburban residential environment. Within this context, telecommunications equipment would not appear incongruous nor out of place.
9. The equipment cabinets would be set against the retaining walls bounding the church grounds which would limit the visual prominence of the proposal.
10. The monopole would not be of excessive bulk and would not be a feature that would significantly interrupt views of the church. It would not therefore be visually over-bearing within its context.
11. To conclude on this issue, the proposal would not therefore have any significant adverse effect on the character and appearance of the area.
12. Views towards the site from nearby residential properties are often obscured by reason of the oblique relationship of their windows towards the site and the extensive presence of boundary planting and fencing.
13. Views towards the site would perhaps be most direct from the front windows at No. 35 & No. 33 Newlay Lane which are set to the south-west of the Church of St Margaret. However, these properties are set away from the site across the wide footway on the eastern side of Newlay Lane, the vehicle carriageway, a further path and grass verge on the western side of the lane and their own reasonably sized front gardens.
14. The proposal would not therefore be in close proximity to these dwellings. As a result, the proposal would not have any significant adverse impact on the living conditions of the occupiers of these or other nearby properties with regard to outlook. The proposal would not conflict with Policy P10 of the CS, nor Policy GP5 of the UDP.
15. The proposal is therefore acceptable in terms of its siting and appearance.

Other Matters

16. Concerns have been raised by interested parties about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

17. In these circumstances, the National Planning Policy Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
18. Despite concerns expressed by interested parties there is no compelling evidence presented that the proposal would have any detrimental impact on the biodiversity of the site or increase the use of the location as a site for public gathering or encourage vandalism. I therefore afford these matters limited weight.

Conditions

19. No conditions are suggested by the Council. The proposal is however subject to the conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2) of Schedule 2, Part 16, Class A.
20. These specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

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

T J Burnham

INSPECTOR