



Appeal Decision

Site visit made on 14 June 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2022

Appeal Ref: APP/N4720/W/22/3297205

Green Lane, Little London, Yeadon, LEEDS LS19 7BT

- 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 CK Hutchison Networks (UK) Ltd against the decision of Leeds City Council.
 - The application Ref 21/07594/DTM, dated 4 September 2021, was refused by notice dated 2 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.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 16, Class A (GPDO), requires the Local Planning Authority to assess the proposed development solely based on its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The provisions of the GPDO do not require regard be had to the development plan. Consequently, I have had regard to policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are relevant to matters of siting and appearance.

Main Issues

4. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area and the living conditions of the occupiers of nearby residential properties in terms of outlook.

Reasons

5. The appeal site is an open area of grass verge at the junction of Green Lane and Harrogate Road. The grass verge is bisected by a footpath and the proposed monopole would be sited on the outer part of the verge. A further footpath follows the edge of the grass verge between the verge and the road. Consequently, the proposed monopole mast would be sited on a relatively constrained area of verge close to the road frontage.

6. The appellant refers to significant tree cover, but I noted at my site visit that there is relatively little tree cover adjacent to the junction. There are street lighting columns close to the site, but these are both lower and of significantly less width than the proposed monopole.
7. The monopole would appear prominent when approaching the site along Green Lane, Windmill Rise, and Harrogate Road in either direction. Due to the height of the mast considerably above the surrounding streetlights and the appeal site's open location with limited existing tree cover within its immediate setting, the proposed monopole would be a conspicuous and intrusive feature.
8. There would be a visual impact from the proposed number of cabinets. While these benefit from permitted development rights, I am not aware that they would be installed in the absence of the mast. Because the area of the verge is constrained by the position of existing footpaths, the proposed cabinets would appear as significant features. The amount of overall development on the verge in a prominent location with little landscape cover would detract from the character and appearance of the area.
9. The verge is immediately adjacent to a detached bungalow which is orientated with its side elevation towards the verge at a lower level. The bungalow is separated from the verge by a high brick wall. The effect of the siting of the mast on the living conditions of the occupiers of the bungalow would be limited because its orientation would afford very little direct view of the mast. The mast would also be sited a sufficient distance from properties which face towards the site from across Harrogate Road. The siting and appearance of the mast would not detract from the outlook of these properties in a way that would be detrimental to their living conditions.
10. Nevertheless, this matter does not overcome my concerns that the mast would be a dominant and incongruous feature in both close and long-range views through the area, including from surrounding residential streets and while travelling along the busy Harrogate Road. The siting and appearance of the mast would be harmful to the character and appearance of the area.
11. Whilst not decisive, I have had regard to local planning policies relevant to the appeal. The proposal would conflict with Policy P10 of the Leeds Local Development Framework Core Strategy November 2014 and saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006), which seek to ensure that development is appropriate to its context.

Other Considerations

12. The Framework advises that high-quality communications infrastructure is essential for sustainable economic growth, and that the expansion of electronic communications networks, including next generation mobile technology, should be supported. However, the Framework also advises that the use of existing masts, buildings and other structures for new electronic communications capability should be encouraged. Where new sites are required, equipment should be sympathetically designed.
13. The proposal for the mast is a result of considerable demand for data within this area and the need to facilitate 5G coverage. I recognise the economic and social importance of advanced, high quality and reliable telecommunications and the strategic role of infrastructure in supporting growth.

14. The proposal would facilitate up to 5G coverage and I appreciate that the equipment is necessary to achieve the required standard of network coverage in the area. I have no reason to question the appellant's evidence that the monopole's dimensions are the minimum necessary although I note that to minimise the size of the mast site sharing is not being facilitated and the evidence before me is not clear about whether site sharing could be facilitated in the future.
15. I acknowledge that due to the density of development in the search area the new mast would provide a vastly improved level of service to a multitude of users. I also note that features such as CCTV, communication services and emergency services will be more readily accessible.
16. Even so, paragraph 117 of the Framework advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. For new masts evidence that the possibility of erecting antennas on an existing building, mast or other structure has been considered should support the application.
17. Although the appellant has referred to a sequential approach to the site selection process, I have been provided with little evidence of which existing buildings, masts or other structures have been considered. In addition, the appellant states that 7 other sites within a tightly packed residential area have been considered and discounted for various reasons including proximity to residential properties or conservation areas. However, I note the location of some of these sites and based on the limited evidence provided I cannot be satisfied that these other sites are not suitable to accommodate the proposed mast.
18. Given my conclusions in terms of the harm to the character and appearance of the area I do not have sufficient information to balance the harm I have identified against the evidence of the limitation of or lack of other available sites.
19. I appreciate that the appellant sought to engage with the local planning authority and that there was no response to that consultation. However, this does not diminish the harm I have identified.

Conclusion

20. I accept that there would be social and economic benefits arising from the improvement in the communications network, and this is a factor that weighs in favour of the proposal. Conversely, the siting and appearance of the proposal would result in harm to the character and appearance of the area. The evidence before me does not make a convincing case that no suitable alternative sites exist, this weighs against the proposal and for this reason, the appeal is dismissed.

Diane Cragg

INSPECTOR