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## Appeal Decision

Site visit made on 27 June 2022

**by Caroline Mulloy BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> July 2022**

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### **Appeal Ref: APP/N4720/W/22/3296718**

### **Harper Lane, Yeadon, Leeds LS19 7PT**

- 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 appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Leeds City Council.
  - The application Ref 21/07287/DTM, dated 20 August 2021, was refused by notice dated 13 October 2021.
  - The development proposed is 15.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require 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.

### **Planning Policy**

3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had 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 matters of siting and appearance.

### **Main Issues**

4. The main issues in this case are:
  - The effect of the siting and appearance of the proposed installation on the Yeadon Conservation Area and the area generally; and
  - The effect of the siting of the proposed installation on highway safety.

## Reasons

### *Character and appearance*

5. The appeal site is a small triangular area of open grass verge which lies adjacent to Harper Lane within Yeadon town centre and within Yeadon Conservation Area (CA). The significance of the CA derives from its early development as a medieval village and subsequent development as an industrial mill town. The town centre contains a mixture of buildings of varying ages and styles constructed in sandstone, a unifying feature of the built environment. This part of the CA is characterised by commercial development along High Street.
6. The proposed installation would be situated near the public house known as The Clothiers Arms, an impressive, historic building which makes a positive contribution to the character and appearance of the CA. The junction of Harper Lane with the High Street provides key views into the town centre and the historic core of the CA. The grass verge on which the proposal would be situated is bound by a low, wooden fence. I also noted low bollards, streetlights, a street sign, a bin and a cycle rack in the vicinity of the junction.
7. The proposed slimline, 15m high monopole mast would have a wrap around cabinet at the base, two separate cabinets and associated ancillary work. Whilst I acknowledge that there is street furniture in the vicinity, this is of the scale and nature expected to be seen in a town centre location. The proposed mast would be significantly taller and wider than existing street furniture and would, therefore, introduce an alien feature and clutter in the street scene. Whilst the group of trees on the opposite side of Harpers Lane would screen the proposal to a degree when approaching from the east, the mast would, nonetheless, be situated in a prominent location at an important gateway to the town centre and the CA. It would be highly visible to drivers approaching along Harpers Lane and from Cemetery Road towards High Street. Furthermore, the proposal would detract from the historic Clothiers Arms, an important building within the CA. Consequently, the proposal would detract from the character and appearance of the CA to which I am required to pay special attention to the desirability of preserving or enhancing. This harm would be less than substantial.
8. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 202 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.
9. The proposal would have some economic and social public benefits for residents and businesses in terms of improved 5G coverage and connectivity for the area which weigh in favour of the proposal. However, I do not consider that the operational and locational needs of the operators or public benefits outweigh the significant harm I have identified to the character and appearance of the CA and the area generally.

10. In conclusion, the proposal would fail to preserve or enhance the character and appearance of the CA. It would, therefore, be contrary to Policies P10 and P11 of the Core Strategy (CS) (2019) and Saved Policy GP5 of the Leeds Unitary Development Plan (2006) in so far as they seek to protect heritage assets.

#### *Highway safety*

11. The proposed installation would be situated on the grass verge, in close proximity to Harper Lane, the busy southern approach to a major roundabout adjacent to the town centre. The Council's highways officer has requested that the proposal be situated 3.5m back from the highway to ensure visibility and I noted that there is scope to do so on my site visit. However, in the proposed location, due to the close proximity to the highway, the mast and cabinets would restrict visibility on the approach to the roundabout and would be a distraction to drivers to the detriment of highway safety.
12. In conclusion, the proposal would harm highway safety. It would, therefore, be contrary to saved policy GP5 of the UDP and Policy T2 of the CS in so far as they seek to protect highway safety. The Council refers to the Leeds Parking Supplementary Planning Document (2016) in its reason for refusal 2; however, it is not clear how this applies to the appeal proposal.

#### *Other matters*

13. The documents supporting the application suggest that there are no opportunities for site sharing in the area or utilising existing structures. The appellant's Site-Specific Supplementary Information set out a list of alternative site options which were considered with a very brief summary as to why each site was discounted. However, it is not clear how the short list of sites has been arrived at or why other sites were discounted, for example in less sensitive locations. I noted on my site visit that a supermarket with a large car park lies to the south-west of the site which is not included in the shortlist. It is not clear why this potentially less sensitive site was discounted. Furthermore, Option 2 was discounted 'from a build perspective due to underground services'; however, no further information has been provided as to the degree to which this issue could be overcome. Due to the scant information provided by the appellant and my own observations, I am not convinced that less harmful alternatives in the search area have been properly explored.

#### **Conclusion**

14. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

*Caroline Mulloy*

Inspector