
Appeal Decision

Site visit made on 1 August 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2022

Appeal Ref: APP/N4720/W/22/3297220

Fairburn Drive, Garforth, Leeds LS25 2LB

- 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 21/07960/DTM, dated 18 September 2021, was refused by notice dated 3 November 2021.
 - The development proposed is proposed 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.

Planning Policy

2. 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.
3. 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.
4. 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 Issue

5. 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

Character and appearance

6. The area surrounding the appeal site is dominated by residential dwellings. Despite the presence of the Leeds/York railway line close to the north, with its associated rail traffic and infrastructure including a footbridge, the railway line is well screened and subsequently kept largely separate by the intervening trees. This results, overall, in the appeal site having a reasonably tranquil, suburban, and green character and appearance.
7. The grassed area immediately surrounding the appeal site is not without street furniture, and it includes various items including a street lighting column, bus stop pole with information board, a bin, a bollard, other pole mounted signage and an equipment cabinet.
8. However, the monopole that is proposed would be significantly taller than the existing street furniture. It would also be much higher than the trees which sit along the northern edge of the grassed area.
9. The monopole would therefore form an obvious, dominant, and rather stern feature on its proposed site that would tower above existing equipment in the area along with the nearby dwellings which are generally of modest two storey height.
10. This would particularly be the case as the bulkiest parts of the monopole would be towards the top, above the height of the adjacent trees. The design would jar and contrast with what is only a modest suburban environment.
11. The harm identified above would be compounded given that the chosen siting would be highly visible from the public domain. This is due to the alignment of the local roads, which would see the monopole being visible from the north-west along Green Lane, from the south-east along Fairburn Drive and from the east along Woodlands Drive.
12. Given the alignment of the roads, these would not just be glimpsed views, but the monopole instead at the height proposed, would be likely to be visible from significant stretches of these roads. As a consequence, it would become an unfortunate local focal point.
13. The impact in views from Fairburn Drive would be magnified as a result of the slight rise in land levels when travelling towards the appeal site. The proposal would therefore have a significant adverse impact on the character and appearance of the area. The proposal would not therefore be acceptable in terms of its siting and appearance.

Outlook

14. The monopole would perhaps be most obvious when viewed from the principal front elevations of No. 102 Fairburn Drive and No.s 2-6 Woodlands Drive. However, these properties are set back behind their front gardens which include varying degrees of planting. Within this context, a monopole such as that proposed would not unacceptably dominate or adversely affect outlook from these properties.

15. The monopole would be visible from windows within the side elevation of No.167 Fairburn Drive, but this property would also benefit from outlook to its front and rear elevations which would not have views of the monopole. There would therefore be no unacceptable adverse impact on outlook from this property. Overall, there would be no unacceptable harm to living conditions for nearby residential occupiers as a result of the proposal with regard to outlook.

Other Matters

16. Reference has been made to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance.
17. I appreciate that the operator has ruled out alternative sites and that the area is built up and broadly residential, effectively resulting in a search for the least-worst option. However, the evidence before me to rule out other sites is very limited in detail and I am not persuaded that there is definitively no other site available to secure the required coverage.
18. I was able to visit alternative sites that have been ruled out whilst on my site visit. While discounted (albeit on the basis of limited information), there could be merit in further exploring other areas/locations in greater detail.
19. Exploring all siting options and arrangements on the western side of Ninelands Lane where such a development could have less prominence may be worthwhile or further exploring siting on the northern side of Aberford Road where such equipment would not be so uncharacteristic given the dominance of commercial property immediately to the north.
20. 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).
21. In these circumstances, the Framework¹ 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.

Conclusion

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

T J Burnham

INSPECTOR

¹ National Planning Policy Framework 2021.