



Appeal Decision

Site visit made on 22 July 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/N4720/W/22/3299280

South Side of Ring Road (A6120), Leeds LS18 5JY

- 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 Cornerstone and Vodafone Ltd against the decision of Leeds City Council.
 - The application Ref 21/08245/DTM, dated 24 September 2021, was refused by notice dated 23 November 2021.
 - The development proposed is streetworks style base station. The installation of a 17.5 metre Apollo streetpole with 6 no. antennas, 2no. equipment cabinets, and 1no. meter.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It has been confirmed that the appellant named in the banner heading was the original applicant and I have considered the appeal accordingly.
3. 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.
4. 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. Therefore, 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.

Main Issues

5. The main issues are:
 - the effect of the siting and appearance of the proposed installation on the character and appearance of the area, the living conditions of the occupiers of nearby residential properties in terms of outlook, and proximity to trees, and
 - if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

6. The appeal site comprises an area of highway grass verge on the A1620 (Broadway), a busy dual carriageway. The verge is adjacent to residential development on Manor Gate and next to a public footpath connecting Manor Road to the ring road. The wide grass verges and the trees adjacent to Broadway provide an open, spacious, and verdant character which contributes positively to the area and provides an attractive setting for adjacent built development.
7. The proposed mast with antennas would be considerably taller than the existing trees adjacent to it. Although the trees may screen the equipment at lower level to some extent, the trees are deciduous and therefore would afford limited screening of the installation in the winter months.
8. The installation for the most part would be highly visible to passers-by on Broadway and users of the footpath. While I understand the mast must be taller than other objects to 'see' over obstructions, the large size and utilitarian appearance of the proposal would appear out of scale and overly prominent within its immediate setting.
9. There is an existing mast on the verge outside the petrol filling station and a monopole on the verge adjacent to Manor Gate. I accept that the monopole may not be visible for the most part in the same view as the appeal proposal when approaching the site by car. However, because of the proposed development there would be a considerable amount of telecommunications infrastructure in proximity to each other that would be seen in quick succession. The proposal when seen cumulatively with the existing installations would result in significant clutter on a short section of the verge in a prominent location.
10. Consequently, in addition to the proposal appearing conspicuous in its immediate setting, taken together with the existing masts and equipment, the proposed installation would erode the positive contribution of the wide grass verge to the street scene. Overall, the siting and appearance of the proposal would be an intrusive and harmful feature in the street.

Trees

11. The mast and equipment would be sited in the verge next to ash tree (T2). T2 is identified as a category C tree with some signs of ash die back. However, it is a mature tree, that has a balanced and attractive crown with an expected life span of 10 to 20 years. T2 forms part of a wider canopy of tree cover that contributes to the street scene.
12. The appellant's arboricultural report states that the proposal would not require works to the tree. However, it is recommended that the tree canopy of the ash tree is reduced and that a no dig construction is employed when installing the concrete base for the cabinets.
13. According to the tree protection plan the cabinet would be sited within the root protection area of T2. Further, the tree report highlights that mowing of the verge has damaged exposed surface roots of T2. Any necessary hard standing for the equipment and cabinets would therefore almost certainly affect the

roots of the tree. In addition, it also appears that the equipment would be beneath the tree canopy and the mast in very close proximity to it, likely necessitating the tree canopy reduction suggested in the arboricultural report.

14. Therefore, based on the evidence before me, I conclude that the siting of the installation within the root protection area and under the tree canopy of T2 would be detrimental to the tree's appearance and would plausibly lead to the tree's decline. The siting and appearance of the mast would result in the tree canopy within the verge being diminished, which would be detrimental to the character and appearance of the area.

Living conditions

15. No 7 Manor Gate is separated from the verge by a stonewall and the width of the footpath adjacent to it. The effect of the siting of the mast on the outlook for occupiers of the house would be limited because its orientation would afford very limited direct views of the mast. There is a large mature beech tree within the garden area said to be 20 metres in height. The garden level is lower than the verge but, even so, the tree is a considerable intervening feature that would limit the visibility of the mast from within the garden. Consequently, I am satisfied that the siting and appearance of the mast would not detract from the outlook of No 7.
16. I appreciate the concern of objectors about noise but given the proximity of the equipment to the road, I do not consider that noise from it is likely to be detrimental to the living conditions of adjacent residents.
17. Nevertheless, for the reasons set out the siting and appearance of the proposed installation would be harmful to the character and appearance of the area including the installation's proximity to trees.
18. Although not determinative, 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.

Alternative sites

19. The Framework states that high quality and reliable communications infrastructure is essential for economic growth and social well-being, and it supports the expansion of electronic communications networks, including 5G. Even so, the number of masts and the sites should be kept to a minimum and the use of existing masts, buildings and other structures is encouraged. Where new sites are required, equipment should be sympathetically designed.
20. My attention has been drawn to the DCMS Code of Best Practice on Mobile Network Development in England (2022). In this regard, there is no dispute that high quality communications infrastructure is supported both nationally and locally and that in urban areas masts to support the level of communication needed in such areas is anticipated to result in more masts in urban locations where larger lattice masts are not likely to be acceptable.
21. The existing monopole adjacent to Manor Gate is shared by 2 operators and it provides 2G, 3G and 4G coverage. However, it is not structurally suitable to host the necessary equipment for both operators to rollout 5G services in this

- location. Therefore, using the existing monopole outside Manor Gate would not be feasible without significant upgrade.
22. Nevertheless, the monopole would remain in place for use by the other operator, while the proposal would allow the appellant to rollout 5G technology and to provide equivalent coverage and capacity. Further, other existing communications apparatus could not be utilised as they would be too close to the existing operational site for those cell areas.
23. The appellant states that the provision of equivalent coverage and capacity requires the new equipment to be located close to the existing equipment but not within 30 metres of it, and the appeal site is the nearest suitable location.
24. The evidence provides details of alternative sites that were considered and discounted. The appellant states that to maintain existing coverage, the search for a replacement is constrained to within the cell area. However, whilst it is indicated that the cell area is marked on the appendix 2 plan of the appellant's statement, the area does not appear to be identified. In addition, while the 11 sites that have been discounted are plotted on the map at appendix 2, the numbering does not correlate with the other commentary about why alternative sites were found unsuitable¹, and the information is unclear.
25. Moreover, the appellant states that the site search is limited to locations which follow the main arterial route², but the alternative sites considered are mostly away from this route, which suggests that there is more flexibility for the mast's location. In addition, I note that the objectors refer to the mast being more suitable adjacent to the roundabout, but this alternative does not appear to have been considered. Overall, in my judgement the submitted information does not adequately clarify the area of search/cell area for the mast's location or sufficiently show that no alternative sites are available, and I attach limited weight to the submitted evidence in this respect.
26. I appreciate that there have been discussions with the local authority, a previous site has been rejected and a mast of greater height on the same site has also been refused, but the evidence presented regarding alternative sites is not conclusive.

Other Matters

27. 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.

Conclusion

28. The siting and appearance of the proposed installation would be harmful to the character and appearance of the area including the proposals proximity to trees. For the reasons set out, I conclude that the need for the installation to be sited as proposed, taking into account any suitable alternative sites, is not convincing and does not outweigh the harm identified. Therefore, the appeal is dismissed.

Diane Cragg , INSPECTOR

¹ on page 20, 21 and 22 of the appellant's statement

² paragraph 4.7 of the appellant's statement