



Appeal Decision

Site visit made on 26 July 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2022

Appeal Ref: APP/N4720/W/22/3298400

Leeds Road, Kippax, Leeds LS25 7EP

- 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 21/09336/DTM, dated 16 November 2021, was refused by notice dated 7 January 2022. The development proposed is described as proposed 5G telecoms installation: H3G Phase 8 17m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matters

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.
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 Leeds Core Strategy (as amended 2019), saved policies from the Leeds Unitary Development Plan Review (2006) (the Local 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 are:
 - the effect of the siting and appearance of the proposed installation on the character and appearance of the area
 - the effect on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook; and

- If any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed having regard to the potential availability of alternative sites.

Reasons

Character and Appearance

5. The appeal site is a small area of grassed open space, abutting a length of low wall and close to the back edge of the pavement, adjacent to the Moorgate public house car park and the junction of Leeds Road and Valley Road. Vertical structures including streetlights up to approximately 10.5m high are common in the street scene; however, these have regularity in height, spacing and siting.
6. The proposed monopole at 17m is stated to be the minimum height which can be deployed to bring the benefits of 5G. The height would be significantly greater than the existing vertical structures already present and would be greater in thickness and a noticeably different shape. This would appear alien and unexpected in such a context and would interrupt the regular rhythm of spacing between the existing streetlights. There are a number of mature trees and shrubs adjacent to the appeal site and along the surrounding streets which may provide some screening when in full leaf, nevertheless, the prominent roadside position would remain highly visible from the surrounding predominantly residential area. The proposal would stand out as an incongruous feature, would add to the visual clutter and would cause harm to the character and appearance of the area.
7. Insofar as they are a material consideration, the proposal would be contrary to the aims of Policies P10 and GP5 of the Local Plan, which seek to minimise the impact on visual amenity as well as the Framework's policies for achieving well-designed places.

Living Conditions

8. Residential properties on Valley Road do not directly overlook the appeal site. Properties along Moorgate Avenue overlook the appeal site at an angle and their rear gardens would have a direct view towards the proposal. Whilst this would be over a reasonable distance, the siting and appearance of the proposal, including a top-heavy design, at a significantly greater height than surrounding vertical features, would appear as an obtrusive and prominent feature that would dominate the outlook from nearby properties and the gardens. As such, it would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties, with regard to outlook.
9. Insofar as they are a material consideration, the proposal would be contrary to the aims of Policies P10 and GP5 of the Local Plan, which seek to minimise the impact on visual amenity as well as the Framework's policies for achieving well-designed places.

Other Considerations

10. Paragraph 115 of the Framework states that the number of communications masts and the sites for such installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It encourages the use

of existing masts. The appellant has investigated alternative sites as required by paragraph 117 of the Framework and discounted them, in summary, due to pavements or verges being too narrow or the presence of overhead cables. Based on the submitted evidence, I am not convinced that sufficient justification has been provided to support the discounting of these sites.

11. I appreciate that the search area for the proposed development is constrained and that its residential character further restricts potential sites. However, limited information has been provided as to why the alternative sites were discounted. I note that the alternative site search was limited to public highway land. I am not, therefore, convinced that less harmful alternatives have been properly explored. I attach significant weight to the benefits that the roll out of 5G coverage would provide. However, these matters are not sufficient to outweigh the effect of the proposed installation on the character and appearance of the area.

Other Matters

12. 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

13. For the reasons given above, I consider that the siting and appearance of the proposal would be unacceptable. I conclude that the appeal should be dismissed.

C Megginson

INSPECTOR