



Appeal Decision

Site visit made on 13 December 2022

by A Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/N4720/W/22/3309979

Stainbeck Road, Meanwood, Leeds LS6 2WB

- 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 22/05245/DTM, dated 24 July 2022, was refused by notice dated 21 September 2022.
 - The development proposed is described as 'proposed telecommunications installation: 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.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions.
3. The provisions of the GPDO require the local authority to assess proposed development solely based on its siting and appearance, taking account of 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 and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. I have had regard to the policies of the development plan, related guidance, and the National Planning Policy Framework (the Framework) only in so far as they are factors relevant to matters of siting and appearance.
5. It has been suggested that the proposed cabinets do not require prior approval. Nevertheless, they are shown on the submitted plans and included in the description of development. Therefore, I have considered them as part of the appeal scheme.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on:

- the living conditions of nearby residential occupiers, particularly Nos. 36 and 38 Meanwood Valley Drive (Nos. 36 and 38), with regards to outlook;
- the character and appearance of the area; and
- whether any harm caused is outweighed by the need for the installation to be sited in the proposed location, having regard to the potential availability of alternative sites.

Reasons

Outlook

7. The rear elevations and gardens of a number of single storey residential properties at the end of the cul-de-sac on Meanwood Valley Drive face the grassed area upon which the proposed development would be located. Whilst the trees within the grassed area would offer some screening of the monopole when in leaf, particularly the large willow tree, the monopole would be wider and taller than the existing streetlights at the rear of the properties and significantly closer.
8. It would tower above the single storey dwellings and be imposing from views from within the cul-de-sac. Although a brick wall bounds the rear gardens, given the width and height of the proposed monopole and the limited degree of separation to the gardens and rear elevations, particularly belonging to Nos. 36 and 38, I find that the structure would be an overbearing and intrusive feature that would unacceptably affect the outlook of the occupiers of these dwellings from within their gardens and from rear windows, to the detriment of their living conditions.
9. Irrespective of the colour of the monopole, or the presence of the bus shelter nearby, the intrusive scale of the proposal upon residents of Nos. 36 and 38 would still arise. Given the scale and siting of the cabinets, they would not harm the living conditions of neighbouring occupiers.
10. In so far as they are a material consideration, the proposal would be contrary to saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006) (UDP) and Policy P10 of the Core Strategy (amended 2019) (CS) which together, amongst other matters, seek to avoid environmental intrusion and achieve good design that protects the residential amenity of the area.
11. Overall, the proposed development, through its siting and appearance, is considered to cause harm to the outlook from Nos. 36 and 38, such that the living conditions of the occupiers would be harmed, contrary to paragraph 115 of the Framework which requires equipment to be sympathetically designed.

Character and Appearance

12. The appeal site is located upon a grassed area of open space also containing trees, intersected by paths, adjoining a pavement at the junction of Stainbeck Road, Meanwood Road and Grove Lane. It is in an urban location within a predominantly residential area which includes a mix of one, two and three storey buildings. Vertical structures including lighting columns, road signs, traffic signals and a bus stop are found in the immediately surrounding area.
13. Due to its location on the corner of a cross-roads junction, the appeal site commands a prominent position in the street scene. However, the proposed

development would be screened by an adjacent significantly sized tree in some views, particularly when it is in leaf. In addition, it would be seen amongst the many streetlights in the area, a bus shelter and other vegetation, which would obstruct views of the proposal from parts of the adjoining streets. Whilst the proposed pole would be taller and bulkier than these lighting columns, and so would be visible against the sky, the green area would continue to provide visual relief to its built-up surroundings, notwithstanding the introduction of the proposed development, and would remain a largely open feature that positively contributes to the street scene.

14. Whilst the proposed monopole would be readily visible when approaching the site along Meanwood Road travelling north and at the signalised junction, it would be seen in close proximity to a substantially sized tree and three tall streetlights. As such, the monopole would not stand out as an isolated or unduly exposed structure or appear alien or unexpected in the urban context as described above.
15. The proposed number of cabinets would result in a row of them along the footpath's edge but there are existing cabinets near to the site and such features are typical of the form of structures seen on roadsides. As such they would not appear as incongruous features on the grass verge and would not lead to undue visual clutter.
16. In so far as they are a material consideration, the proposal would not be contrary to Policy GP5 of the UDP or Policy P10 of the CS which seek development that is appropriate to its location, scale and function. Thus, the proposal, when considered as a whole, would not result in harm to the character and appearance of the area.

Availability of Alternative Locations

17. 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 a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
18. I accept the appellants view that due to the nature of 5G, there are no structures within the area which are suitable for sharing apparatus due to them being unable to support the operational requirements of the equipment and that effort has been reasonably made in this regard. I also acknowledge that the type of installation that the applicant has proposed is the optimum design solution for deploying 5G technologies and the height at 15 metres is the lowest that would work effectively. It is noted that, as with all 5G cells, the relevant search area is very constrained and that in this case, the designated search area covers what is largely a densely populated residential area.
19. However, whilst eight alternative sites were considered and discounted as part of the appellant's site selection process, detailed supporting information to fully corroborate that an exhaustive search of all possible sites was undertaken and that potential alternatives were discounted on reasonable grounds is not before me. Most of the sites referred to were also close to residential properties, although the proposal before me appears to be closer to residential properties than some of the other sites that were considered.

20. One site referred to as 'D6' in the appellant's evidence was discounted due to proximity to residential properties and overhead tree canopies. This site is further from residential properties than the appeal site and the surrounding trees appear to be no taller than the tree adjacent to the appeal site. The locality near 'D6' also includes a large supermarket and a large area of open space.
21. When noting the visual sensitivities that would apply to a monopole erected within such close proximity to residential properties, it is reasonable to require clear and comprehensive supporting evidence. Indeed, whilst reasons (for discounting site options) such as proximity to residential properties at other locations, insufficient space, exposed locations and an obstructing tree canopy have been stated, these have not been substantiated through supporting documentation.
22. I am unpersuaded from the available evidence that the location chosen is necessarily the least harmful in terms of its visual effects on the outlook from neighbouring residential properties. Furthermore, I cannot be certain that the harm would be equivalent or worse on a site elsewhere.

Balance and Conclusion

23. I consider that the appellant's evidence demonstrates a need for enhanced capacity and expansion in the area. The government is committed to supporting the deployment of next-generation mobile infrastructure. This is generally reflected in both the Framework, the UDP and the CS. In this regard, whilst I recognise the general social and economic benefits, those benefits have effectively been recognised by the grant of permitted development rights in the GPDO. Hence, they do not carry additional weight when considering matters of siting and appearance as part of the prior approval process.
24. I apportion significant weight to the harm I have explained would arise to the outlook from occupiers of nearby residential properties by siting the monopole at the appeal site. Therefore, even when weighed against the considerable public benefits and acknowledging the site may be an optimal site in terms of coverage, and the constraints identified, the harm that would arise would on balance, not outweigh the benefits of the proposal.
25. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

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INSPECTOR