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# Appeal Decision

Site visit made on 17 April 2023

**by Ben Plenty BSc (Hons) DipTP MRTPI**

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

**Decision date: 27 April 2023**

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**Appeal Ref: APP/N4720/W/23/3315513**

**Asquith Avenue Street Works, Leeds LS27 9PZ**

**Easting: 425992, Northing: 428233**

- 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) Limited against the decision of Leeds City Council.
  - The application Ref 22/06937/DTM, dated 12 October 2022, was refused by notice dated 2 December 2022.
  - The development proposed is Proposed 5G 18m telecoms installation: H3G street pole and additional equipment cabinets.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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 Council states that the Applicant offered to reduce the height of the mast from 18 metres to 15 metres during the determination of the application. This has not been refuted by the Appellant, although no amended plans have been submitted in evidence. As such, I have considered the proposal on the terms that it was originally submitted.

## Planning policy

4. The principle of development is established by the GPDO. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. However, I have had regard to the development plan and the National Planning Policy Framework (The Framework) only in so far as they are material considerations in reference to matters of siting and appearance. As such, I have had regard to policy P10 of the Council's Core Strategy, saved policy GP5 of the Unitary Development Plan and the Framework. These seek, among other matters, for new development to protect the visual, residential and general amenity of an area and for masts to be sympathetically designed and camouflaged where appropriate.

## **Main Issues**

5. The main issues are:

- the effect of the siting and appearance of the proposed mast on the character and appearance of the area, 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. Asquith Avenue forms a junction with Victoria Road at a mini roundabout. The roundabout is within an open area of land with a small parcel of public amenity land to the east and a larger pocket park to the west. These areas of open space include mature trees to their rear boundaries and smaller trees within them. The green and verdant surroundings create a pleasant area of open space within the settlement. The appeal site is an area of wide footway that is adjacent to the public amenity land. As an undeveloped section of footway, the site makes a positive contribution to the verdant and open character of its surrounding area.
7. The proposed mast would be visible in long views along the principal roads through the area and would be taller than local streetlight columns. Key views of the mast would be from road users when travelling towards Victoria Road from Asquith Avenue, at the junction of Brunswick Street and from Bruntcliffe Lane. It would also be visible to users of the pocket park.
8. The proposed mast would be dominant in several local views. It would be especially overt in views from Victoria Road and Brunswick Street due to the flat and open character of the surrounding landform. From Victoria Road, views of the proposed mast would only be partially framed by trees within its background. Furthermore, the mast would be in the central view line of motorist approaching the mini roundabout from the east. In this view, the proposal would be a prominent and dominating feature. Due to its scale and position, the mast would intrude into local views and contrast sharply with the existing open and verdant character. As such, although not materially contributing to street clutter the mast would be a strident feature, out of keeping with the surrounding area. Therefore, the proposal would be stark in views of the connected public spaces either side of the roundabout, eroding the open character of this area.
9. Accordingly, due to the absence of effective local screening, and its overall height, the mast would be a discordant addition to the street and result in significant harm to the character and appearance of the area.

### *Alternative sites*

10. The coverage map<sup>1</sup> illustrates a clear need for improved coverage in an area with an identified need due to it being densely populated. It is also apparent that the search area is constrained due to the high frequency and low power output of the installation. Although the need for a mast is not required to be

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<sup>1</sup> figure 1 of the Appellants Statement of Case

proven by the Framework an absence of coverage can be a material consideration.

11. The Framework encourages the reuse and adaption of existing base stations. It also states that proposals for new masts should evidence the possibility of erecting antennas on an existing building, masts or other structures. This establishes a sequential approach first favouring the reuse of existing sites. The Appellant has identified that no mast or site sharing opportunities or provision on an existing building or structure has been found to be suitable. As such, a new base station has been proposed.
12. In consideration of six alternative base station locations, all within the immediate residential area, the appellant has suggested that no suitable alternative site exists. The alternative sites have been found to be on narrow footways, within vision splays or would provide poor coverage. Although these appear to be in moderately less obtrusive locations, they have been discounted for reasonable reasons.
13. However, I tend to concur with the Council that there seem to be less obtrusive locations where a mast could be sited locally. Furthermore, in noting that the proposal would stand substantially taller than surrounding features, and in recognition of the Appellants offer to reduce the height of the mast, I do not accept that the column's intended height is the minimum for effective operation. As such, these findings undermine the robustness of the alternative site assessment.

### **Other Matters**

14. Chapter 10 of the Framework identifies that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It requires planning decisions to support the expansion of electronic communication networks, including next generation mobile technology. The proposed mast would provide improved 5<sup>th</sup> Generation coverage in and around the Asquith Avenue area of Leeds. However, these considerations do not outweigh the identified harm to the character and appearance of the area.

### **Conclusion**

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

*Ben Plenty*

INSPECTOR