



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

Appeal Ref: APP/N4720/W/23/3315522

Westwood Side street works, Westwood Side, LEEDS LS27 9HR

Easting: 426725, Northing: 429261

- 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 22/07013/DTM, dated 17 October 2022, was refused by notice dated 8 December 2022.
 - The development proposed is Proposed 5G telecoms installation: H3G 15m 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.

Planning policy

3. 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 policies of the development 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. As such, I have had regard to saved policy GP5 of the Unitary Development Plan 2006, policy P10 of the Core Strategy, and the Framework. These seek, among other matters, for proposals to seek to avoid problems of environmental intrusion and to provide good design that is appropriate to its location, scale and function.

Main Issues

4. The main issues are:
 - the effect of the siting and appearance of the proposed mast on the character and appearance of the street scene, 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

5. Westwood Side is a residential road. It climbs a steep gradient when passing the appeal site. The site is within a grass verge between the highway and footway in a prominent position. It is adjacent to a small close of bungalows and opposite a school. Adjacent residential properties have roadside boundaries that are a combination of retaining walls, hedges and fences. Despite the presence of this relatively tall boundary, the site is within an open area, with the nearest buildings being recessed from the highway. This separation of built form, and the low-lying character of the nearby dwellings, results in the site being in a spacious and exposed setting.
6. Due to the largely straight nature of the highway, the proposed mast would be in plain view of highway users for a prolonged period, especially when travelling northwest. The mast would be substantially taller than the adjacent streetlight and neighbouring bungalows. It would be of a discordant scale having a high visual impact. Furthermore, road users travelling up the hill, would perceive that the mast looms over the street further contributing to its disproportionate sense of scale.
7. Consequently, the proposed mast would not be framed in views with landscaping or buildings behind. There would also appear to be no similar scaled precedents in view that would otherwise temper the impact of the proposal. Accordingly, the proposed mast would be a strident feature in profile against the skyline that would contrast sharply with the local recessed nature of local built form and the surrounding open character. Due to its relatively thick columns, its height, proximity and isolated siting the proposal would have a high degree of visibility and be out of place in these views.
8. Furthermore, the proposed mast would also be dominant in views from the side window of the nearest property, providing close and dominating views of the mast. Consequently, the proposed siting of the mast would have a significant adverse impact on the character and appearance of the street scene.

Alternative sites

9. The coverage map¹ demonstrates that the search area has limited coverage and requires improvement due to it being densely populated. Also, I am cognisant that the search area is relatively constrained due to the high frequency and low power output of the installation. Although the need for a mast is not required to be proven by the Framework an absence of coverage can be a material consideration.
10. 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 identifies that the upgrading of existing sites is not available and that

¹ figure 4 of the Appellant's Site Specific Supplementary Information

the use of existing buildings for equipment could not be identified. As a result, a new base station appears to be the most viable option.

11. The Appellant has provided details of six discounted alternative sites within the area that were found to be unsuitable. The alternative sites are in locations with narrow footways/grass verges, one affected a visibility splay, and one would not deliver the required coverage. However, the search area for the alternative sites is comparatively wide, whilst the selected sites are relatively few.
12. Accordingly, it is unconvincing that all footway widths and grass verges are of such widths within the search area to prevent an alternative site being found to be suitable. As such, the alternative site assessment fails to demonstrate a clear and persuasive argument that no site, in a less harmful location within the search area, exists. Consequently, the harm identified to the character and appearance of the area is not outweighed by robust evidence that there is an overriding need for the mast to be located where proposed.

Other Matters

13. 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 5th Generation coverage in and around the Westwood Side area of Leeds. Although of merit, these considerations do not outweigh the identified harm to the character and appearance of the area.
14. Many of the occupiers of surrounding properties have objected to the proposal, and I have taken these submissions into account. Most objections relate to matters of siting and appearance, which I have considered above. I have also had regard to the comments made in the representations including issues such as health matters. However, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection guidance. Given this, government guidance is clear that decision makers should not set additional health safeguards and as such any concerns in this respect are not a reason to withhold planning permission.

Conclusion

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

Ben Plenty

INSPECTOR