
Appeal Decision

Site visit made on 7 August 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/N4720/W/23/3322809

Selby Avenue, Leeds LS9 0HL Easting: 434043 Northing: 433747

- 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 & Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Leeds City Council.
 - The application Ref 22/07040/DTM, dated 19 October 2022, was refused by notice dated 7 December 2022.
 - The development proposed is a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) for a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets at Selby Avenue, Leeds LS9 0HL Easting: 434043 Northing: 433747 in accordance with the application Ref 22/07040/DTM dated 19 October 2022 and the details submitted with it including plans 002, 215 & 265.

Planning Policy

2. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. There is not requirement to have regard to the development plan. 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.
3. Policy P10 of the Leeds Core Strategy (2019) (CS) and Policy GP5 of the Leeds Unitary Development Plan (2006) (UDP) are material considerations as they relate to issues of siting and appearance.
4. Amongst other things the policies broadly support good quality design - offering support to proposals where amongst other things the size, scale, design and layout of the development is appropriate to its context. They also seek to support proposals where the development protects the visual, residential and general amenity of an area.

Main Issues

5. The main issues relate to siting and appearance. The first main issue is the effect of the proposal, in particular the 15m street pole, on the character and

appearance of the area. The second is the effect of the proposal on the living conditions of nearby residential occupiers with particular regard to outlook.

Reasons

6. The street pole would form a feature that would be higher than the existing street lighting columns, telegraph poles, CCTV column and mainly two storey residential dwellings which are prevalent within the area as well as nearby trees.
7. However, it would be of a similar colour to the lighting columns and would be situated on a wide grass verge adjacent to the end of Wykebeck Avenue. Within this context, the street pole proposed would not appear incongruous nor out of place.
8. To conclude on this issue, the proposal would not therefore have any significant adverse effect on the character and appearance of the area.
9. The Council accept that the proposed mast would be genuinely slimline in form. The equipment would be set back well away from the boundary of any residential property and set even further away from the elevations of those properties themselves.
10. Whilst it is accepted that the street pole would be visible from the gardens and windows of surrounding dwellings, the slimline design, combined with the proposed positioning would mean that there would be no significant adverse impact on the living conditions of nearby residential occupiers with particular regard to outlook.
11. The proposal would not conflict with Policy P10 of the CS, nor Policy GP5 of the UDP and is acceptable in terms of its siting and appearance.

Other Matters

12. I have not considered the alternative sitings that have been discounted by the appellant given my position above. Alternative siting has been suggested by the Council although this was not identified as an alternative location by the appellant.
13. There may be sound reason for this, but that site is also overlooked albeit at a greater distance by residential dwellings. In any event, I have found the proposed location acceptable in terms of its siting and appearance.

Conditions

14. The proposal is subject to the conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2) of Schedule 2, Part 16, Class A.
15. These specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin no later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

T J Burnham

INSPECTOR