



Appeal Decision

Site visit made on 3 October 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/N4720/W/23/3322782

Clark Lane Street Works, Clark Lane, Leeds LS9 8QB

- 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 22/07039/DTM, dated 19 October 2022, was refused by notice dated 7 December 2022.
- The development proposed is described as 5G telecoms installation: H3G 16m street pole and additional equipment cabinets.

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), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the Council 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 and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, I have had regard to the policies of the development plan, including Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) (CS) and Policy GP5 of the Leeds Unitary Development Plan (Review 2006) (UDP), insofar as they are relevant to matters of siting and appearance. The National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation 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

5. The appeal site is a triangular grass verge on Clark Lane, adjacent to a school. While the surrounding area has a dense urban character, comprising rows of

terraces that front directly on to the footpath, the appeal site is in a section of Clark Lane that is relatively open owing to the grass verge, the adjacent school's part single storey design and position set back from the road, and the playing fields and car park associated with the school.

6. The mast and equipment cabinets would be erected at the front edge of the grass verge. Existing street furniture includes street lights, road signs and telegraph poles. Vertical features are otherwise limited. The proposed mast is said to be the minimum height necessary to achieve the required service levels, nevertheless, at 16 metres to the top of the tower, the mast would be significantly taller than the existing telegraph poles which are the tallest items of street furniture at present. It would also be of heavier proportions.
7. Monopoles may well be functional in appearance by their very nature, and the scheme is said to balance operational requirements and visual impact and meets guidelines for non-ionising radiation protection. However, given the generally open backdrop, the proposal would draw the eye and be an incongruous and utilitarian feature, despite its simplistic design. The installation would also be in a particularly exposed position, on the outer edge of the grass verge, nearest the road. As a result, the entire mast and cabinets would be clearly visible in views along the adjacent highways and footpaths and would not blend into the townscape. It would be conspicuous from several directions, by virtue of its position in the street. The appellant suggests that the installation could be coloured to minimise its appearance. However, given the site's prominent location, and the proposal's height and design, this would not resolve the visual effect of the proposal.
8. The location of the proposed mast has been chosen to not be directly in front of residential properties, however, owing to the prevailing open character of the area the visual intrusion of the proposed mast would be readily apparent to occupiers of the properties on the opposite side of Clark Lane. Moreover, it would erode the relatively open views currently experienced from these properties, which provide an element of spatial relief in an otherwise dense urban locality. While the scheme has been designed with urban roadside locations in mind, it would not affect the free flow of pedestrians and is in an area that is not subject to heritage or other policy constraints, the proposed mast would nevertheless be a visually intrusive feature.
9. Paragraph 114 of the Framework outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks. The appellant's submissions demonstrate the need for the proposed installation, to support the roll-out of 5G coverage and to improve service in and around this densely populated area. I acknowledge the numerous economic and social benefits arising from a 5G network which are clear public benefits of the proposal to which, in accordance with the Framework, I have had appropriate regard.
10. The appellant has set out the sequential approach in relation to suitable alternative sites for the proposed development. It is stated that there are no realistic options for mast sharing or utilising existing structures and a number of alternative locations for the siting of the proposal have been identified within a cell search area that I acknowledge is constrained in size. A variety of reasons have been set out, including pavement width, visibility splays, adopted

highways issues and being located in front of housing, however it is not clear which reasons apply to which alternative site. Moreover, as suggested by the Council, there are other sites along Easy Road within the search area where no evidence has been provided. I observed this street to have wide footpaths and a location where the scheme would be adjacent to existing commercial premises, and would therefore be a less sensitive location.

11. As such, based on the evidence before me, it has not been clearly articulated that a robust review of the availability of alternative sites for the appeal scheme has been undertaken, in line with the provisions of Section 10 of the Framework. Consequently, it has not been demonstrated that the appeal site represents the only viable option.
12. To conclude, I find that the siting and appearance of the proposed installation would be harmful to the character and appearance of the area. Insofar as they are material considerations, the proposed installation would be in conflict with Policy P10 of the CS and Policy GP5 of the UDP. These policies, amongst other things, require new development to provide good design that is appropriate to its location and respects local distinctiveness.

Planning Balance and Conclusion

13. I acknowledge that the appellant has demonstrated that there is a particular need for the proposed telecommunications equipment in the area to maintain network coverage. Moreover, the Framework supports the expansion of electronic communications networks, including next generation mobile technology and there would be important social and economic benefits from the proposed development which weigh in favour of the appeal.
14. However, I afford significant weight to the harm to the character and appearance of the area arising from the siting and appearance of the proposed development. I am not convinced that less harmful alternative sites have been properly explored and it is my overall view that the need for the proposed development does not in this case, outweigh the harm to the character and appearance of the area.
15. For the reasons given above, and having regard to all relevant matters raised, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR