The Planning Inspectorate

# Appeal Decision

Site visit made on 28 January 2020

**by A M Nilsson BA (Hons) DipTP MRTPI**

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

**Decision date: 24 February 2020**

**Appeal Ref: APP/J4423/W/19/3240229**
**Land Opposite 92 Eastern Drive, Sheffield S2 3WR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by EE Ltd & Hutchinson 3G UK Ltd against the decision of Sheffield City Council.
- The application Ref 19/02630/FULTEL, dated 11 July 2019, was refused by notice dated 9 September 2019.
- The development proposed is erection of a 20m high monopole and associated cabinets.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. I have taken the site address and the description of development from the Council's Decision Notice as this is a better identification of the site and the development proposed. I have inserted the word 'high' to the description to clarify that the reference to 20m is in relation to height.

## Background

3. The proposal involves the replacement of an existing 10m high monopole and associated equipment. It is required to facilitate the roll-out of the 5G (fifth generation) mobile telecommunications network in the area.

4. The proposal is connected to a separate proposal for an additional 20m high monopole, approximately 40m to the south-east of the appeal site. This separate proposal is also subject to a planning appeal[1]. The appellant has outlined that both proposals are required due to the level of data, and to manage increased demand, in the area.

## Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

6. The appeal site is located on a grass verge on Eastern Drive. In terms of vertical installations there are currently two telecommunication monopoles in

[1] APP/J4423/W/19/3240233

the immediate vicinity, one 10m in height and the other 15m in height. The streetlighting columns in the area are approximately 8m in height and there are also timber telegraph poles of approximately 9m in height in the surrounding area. The proposal would also be viewed in the context of the two-storey flat roofed properties that run perpendicular to Eastern Drive.

7. To the south of the appeal site is an area of open space which falls steeply towards East Bank Road. This results in the appeal site being in an elevated and prominent position with commanding views of the surrounding area. Although there are some trees in the area the site is relatively open.

8. The existing telecommunication monopoles in the street-scene are relatively slender and innocuous installations. They are not overly obtrusive and sit comfortably with the other structures and buildings in the area. In comparison, the proposal, due to its height, width and bulky headframe would be significantly more prominent.

9. The installation would be significantly taller than any other structure or street furniture within the immediate vicinity. It would extend above that of the 8m high streetlights on the street. It would also be taller than the flat roofed residential properties on the street which are approximately 7m in height. The width of the column and the headframe are also considerably greater than any of the other street furniture in the area. It would therefore, as a result of its scale, be highly visible within the street scene and would in my view, represent an incongruous and dominant addition adversely affecting the character and appearance of the area. The cumulative impact of the proposal and the existing 15m high monopole, due to their height, would also cause harm.

10. The installation would, due to its elevated siting, be highly visible from a wide area, particularly from the open space which sits lower than the appeal site and when travelling along Kenninghall Road, Kenninghall Drive and East Bank Road. Views of the structure would to a degree be broken up by the tree planting in certain parts of the open space, at least during the summer months. However, the mast and its headframe would still be higher than these trees and its surroundings, and visible as a result, causing harm to the townscape.

11. The Council consider that the associated equipment cabinets will add unacceptable levels of street clutter to the detriment of the area. The appellant argues that the equipment cabinets would be permitted development. The proposal before me relates to the whole installation and therefore the cabinets should also be considered in terms of their impact on the character and appearance of the area. As the proposal will include the removal of existing equipment cabinets and their replacement with cabinets of a similar size, I do not find that there would be harm overall. The equipment cabinets, due to their height and scale, would not be overly prominent in the street-scene and would not cause harm.

12. The appellant argues that as the proposal is an upgrade and not a new additional mast, no other standalone new facilities have been investigated. They consider this is in line with the sequential site selection process. The appellant continues, that a new additional mast to facilitate the upgrade would not be in line with the NPPF, as by upgrading the current facility, the most sequentially preferable option has been progressed. The appellant outlines that the current siting was agreed by the Council as the most appropriate location when the original installation was approved. Discounted options were supplied

with the original planning submission and thus the principle of the siting is already established.

13. Paragraph 115(c) of the National Planning Policy Framework (2019) (the Framework) outlines that for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure should be submitted. The requirement for such evidence is relieved only where the proposal is for an addition to an existing mast or base station. The Framework does not exclude replacement masts from such an assessment as the appellant suggests. Consequently, as the proposal is a new (albeit replacement) mast, it is necessary to consider alternative siting's. Given the significant differences in height and width between the existing installation (that is proposed to be replaced) and the proposed installation, I do not consider it sufficient or appropriate to rely on the rejected options considered in the original planning submission.

14. For the reasons set out above, the mast would cause significant unacceptable harm to the character and appearance of the area. In this regard, it would be contrary to Policies BE14 and H14 of the Sheffield Unitary Development Plan (1998) which seek, amongst other things that, telecommunications development should be sited and designed to minimise its visual impact, subject to technical and operational considerations; and that new development in Housing Areas should be on a scale consistent with the residential character of the Area.

15. The proposal would also conflict with guidance within the Framework that the applicant should submit evidence they have explored the possibility of erecting antennas on an existing building, mast or other structure.

**Other Matters**

16. The appellant has referred to the lack of a response to their pre-application enquiry. I do not consider that the lack of a response has a bearing on the merits of the appeal. In any event I note that the pre-application submission date of 4 July 2019 and the application submission date of 11 July 2019 would give little opportunity for a considered response to be provided by the Council.

17. The appellant has also referred to the use of the installation as part of the Emergency Services Network (ESN). I have not been provided with any evidence to demonstrate the significance of the current installation in this context or that there is a specific need or demand for the proposal to meet a deficiency in the ESN. I therefore give this argument little weight.

18. I note that as the appellant highlights, the site is not within an area with a statutory designation for a particular protection such as for heritage or ecological purposes. The lack of harm to such a protected area does not sufficiently weigh in favour of the proposal to overcome the harm I have identified.

19. The appellant considers that the proposal represents a sustainable form of development, and that such an objective should inform decisions as outlined in the 'Letter to Chief Planning Officers: Planning for Growth' dated 31 March 2011. I have not been supplied with a copy of the letter. In any event, I do not consider that the proposal representing a sustainable form of development (or otherwise) would overcome the harm I have identified.

20. The appellant has submitted a copy of the document titled 'Councils and Connectivity - How local government can help to build mobile Britain' (2018). This document outlines the mobile industry's view on how local government can create an environment that is conducive to the building of mobile infrastructure. The document does not appear to have been through any public examination and I give it little weight in the appeal.

**Planning Balance and Conclusion**

21. I do not consider that the public benefits of the installation in terms of the enhancement of the telecommunications network, its contribution to economic growth and the operational and locational needs of the operators outweigh the significant harm that I have identified to the character and appearance of the area.

22. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

*A M Nilsson*

INSPECTOR