
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/19/3240233

Land Opposite 62 Eastern Drive, Sheffield S2 3WP

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE Ltd & Hutchinson 3G UK Ltd against the decision of Sheffield City Council.
 - The application Ref 19/02633/TEL, dated 12 July 2019, was refused by notice dated 9 September 2019.
 - The development proposed is erection of a 20m high monopole and associated cabinets.
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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 is required to facilitate the roll-out of the 5G (fifth generation) mobile telecommunications network in the area. It is connected to a separate proposal for an additional 20m high monopole, approximately 40m to the north-west of the appeal site. This separate proposal is also subject to a planning appeal¹. 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

4. The main issue is whether or not the proposal constitutes permitted development, having regard to the effect of the proposal on the character and appearance of the area.

Reasons

5. The Town & Country Planning (General Permitted Development) Order 2015 (the GPDO) sets out at Schedule 2, Part 16, Class A that development by or on

¹ APP/J4423/W/19/3240229

behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of (amongst others): the installation, alteration or replacement of any electronic communications apparatus; and development ancillary to radio equipment housing, is permitted development subject to conditions. The Council accept that the proposal falls within the remit of Schedule 2, Part 16, Class A.

6. However, Class A.3 (3) goes on to set out that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.
7. The appeal site is located on a grass verge on Eastern Drive. In terms of vertical installations there are currently two telecommunication monopoles in 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 and the two-storey pitched roof flats that are clustered around an access off Eastern Drive.
8. 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.
9. 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.
10. The installation would be significantly taller than any other structure or street furniture within the immediate vicinity. It would extend above the 8m high streetlights and the residential properties on the street. 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.
11. 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, being visible as a result and due to its design and prominence causing harm to the townscape.

12. 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. I find that the equipment cabinets, due to their height and scale, would not be overly prominent in the street-scene and would not cause harm.
13. The appellant argues that the proposal is an upgrade and not a new additional mast, therefore no other standalone new facilities have been investigated. It is considered that this is in line with the sequential site selection process. However, the appeal scheme is for a new installation. It appears that the appellant has erroneously referred to the proposal as a replacement mast, such as that proposed in the connected appeal I refer to in the background section of this decision.
14. 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. Consequently, as the proposal is a new mast it would be necessary for the appellant to consider alternative siting's. This has not been undertaken and therefore the proposal would not accord with the advice in the Framework.
15. For the reasons set out above, the mast would cause significant harm to the character and appearance of the area. The proposal would conflict with guidance within the Framework, which requires, amongst other things that equipment on new sites to be sympathetically designed and camouflaged where appropriate, and that evidence the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure should be submitted.
16. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have considered the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance. In this regard, the proposal would conflict with 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.

Other Matters

17. 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 significant bearing on the merits of this appeal. In any event I note that the pre-application submission date of 4 July 2019 and the application submission date of 12 July 2019 would give little opportunity for a considered response to be provided by the Council.
18. 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.

19. 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.
20. 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.
21. 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

22. I do not consider that the public benefits of the installation in terms of an enhanced 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.
23. 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