



Appeal Decision

Site visit made on 22 May 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2020

Appeal Ref: APP/J4423/W/20/3245626

Existing Telecommunications Mast, Junction of Silkstone Crescent & Silkstone Road, Sheffield S12 4RQ

- 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 MBNL (EE & H3G) against the decision of Sheffield City Council.
 - The application Ref 19/02279/FULTEL, dated 11 June 2019, was refused by notice dated 8 August 2019.
 - The development proposed is the replacement of an existing 12.0m monopole with a 20.0m high monopole supporting 12 no antenna apertures, together with the installation of ground-based equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal relates to an area of grassed highway verge. There is a large nature reserve and public open space to the rear of the site, which is bounded by mature trees and a hedgerow. A pedestrian entrance into the open space is nearby. The remainder of the immediate area is predominantly residential. There is an existing 12 metre monopole on the back edge of the verge, along with an eclectic array of cabinets of difference sizes and colours.
4. The proposal would not sit on exactly the same spot as the existing mast. Rather, it would be located a short distance further along Silkstone Road, slightly further up the slope and nearer to the junction and entrance to the open space. It is proposed that the existing mast and all but two of the cabinets would be replaced by a 20 metre high monopole and antenna and seven additional cabinets.
5. When approaching the site along Silkstone Road, the existing mast is clearly visible. However, it is relatively slim and of a similar height to the lampposts and telegraph poles in the vicinity. It is also of a similar height to the trees which border the open space and those in the front gardens of the bungalows directly opposite. From some vantage points, the monopole is largely seen against the backdrop of the trees. This helps to minimise its visual impact. However, from positions where it can be viewed more clearly in gaps between

- the trees, or marginally above them, its overall height, width and colour ensures that it complements other 'vertical' features in the street scene and is not unduly intrusive.
6. The proposed mast would be significantly taller and wider than the existing. The base would also be far bulkier and more substantial. The mast itself would tower above all existing vertical structures on the street and would be substantially taller than the trees. As such, it would stand out clearly and starkly against the skyline, both when viewed from the road and from the public open space. While this may be necessary for the mast to 'see' over the trees, it would still result in a particularly large, prominent and visually intrusive feature that would be out of scale with the immediate built form.
 7. The width and bulk of the mast and its base station would also ensure that it would not appear as a 'slimline' feature or be characteristic of any of the existing 'vertical' features on or near to the site. Due to this, it would certainly not be seen as a complementary feature in the street scene. Rather it would be an overt and discordant feature. The appellant's suggestion of a condition addressing the colour of the mast would not mitigate the harm caused.
 8. There are already a number of cabinets on the verge and the majority would be replaced. Nevertheless, the overall number of cabinets would still increase. Furthermore, some of the new cabinets would be larger than those to be replaced and they would be spread over a noticeably longer distance. I therefore find that the number, size and coverage of the cabinets would result in a discernible and excessive degree of clutter in a relatively prominent position. This would add to the negative visual impact of the development as a whole.
 9. The appellant has suggested that the cabinets would normally be permitted development. Whether or not this is the case, it would be reasonable to assume that the additional cabinets would not be installed separately to a mast of this nature. As such, this factor carries little weight as a potential fallback position. In any event, I am considering the entirety of the proposal before me and it is thus necessary and appropriate to consider the cumulative impact of the development.
 10. I therefore find that the development would have an unacceptable impact on the character and appearance of the area. It would also be materially more harmful to local character than the existing telecommunications equipment. Accordingly, there would be conflict with saved Policy B14 of the Sheffield Unitary Development Plan (UDP)(1998). This seeks to ensure, amongst other things, that telecommunications development should be located so as to minimise its visual impact. There would also be conflict with UDP Policy H14, which requires non-residential development in Housing Areas to be of a scale consistent with residential character.
 11. Paragraph 113 of the National Planning Policy Framework (the Framework) states that where new sites are required, telecommunications equipment should be sympathetically designed and camouflaged where appropriate. Notwithstanding the change in position of the equipment, I acknowledge that the wider site is already an established location. However, when considering the overt difference in the scale and nature of the equipment proposed, I do not consider that it should escape the requirement for sympathetic design. For reasons given above, the proposal fails this requirement. In any event, the

development would still conflict with the general objectives of the Framework, specifically highlighted in paragraph 127, that development should function well and add to the quality of the area, be visually attractive and be sympathetic to local character.

Other Considerations

12. Paragraph 112 of the Framework advises that high-quality communications infrastructure is essential for economic growth and social well-being. It also states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology such as 5G.
13. The development would maintain and enhance 4G services in the area and enable 5G coverage. The broad economic and social benefits of this are recognised and are important material considerations in favour of the proposal. The proposal would facilitate the sharing of equipment between operators which ought to help minimise the number of installations required. Such factors are also in accordance with the aims of the Framework and weigh in favour of the proposal. In achieving these benefits, I also have no reason to conclude that the scale of the mast and other paraphernalia is not the minimum necessary to ensure the equipment would be effective in this particular location.
14. In line with paragraph 115 of the Framework, the appellant has considered alternative sites. The area of search was limited to locations within 100 metres of the appeal site. The reason given for such a small search radius is that if the existing mast were relocated even a short distance it could leave a gap in network coverage elsewhere. However, no technical evidence, including maps of existing coverage, has been provided which clearly demonstrates this would be the case. I have therefore given this assertion only moderate weight. The evidence provided does not allow me to conclude with any certainty that alternative sites might not be available that could provide the same benefits without the same degree of harm.
15. The appellant has drawn my attention to appeal decisions¹ where Inspectors have concluded that the benefits of development would outweigh the harm caused to character and appearance. It is apparent that the masts proposed in all three cases differ in height to that proposed here. Furthermore, from what is before me, I cannot conclude with any certainty the effect on local character in each case is comparable to that here. In any balancing exercise, the outcome will necessarily depend on the particulars of any case. As such, these examples have not had a significant bearing on my decision.

Other Matters

16. Based on what is before me, I have found no harm in relation to any other aspect of the development, including the effect on the living conditions of nearby residents or highway and pedestrian safety. Nevertheless, a lack of harm in these respects is neutral and weighs neither for nor against the development.

¹ APP/K2610/W/17/3176890, APP/G5180/W/19/3231491, and APP/W0734/A/11/2154882

Planning Balance & Conclusion

17. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. I have found there would be conflict with the development plan as a whole by virtue of the proposal's impact on local character and appearance. While I have had regard to the potential benefits of the development, I do not consider these outweigh the substantial harm that would be caused.
18. Accordingly, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case. For this reason, I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR