



Appeal Decision

Site visit made on 1 September 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2020

Appeal Ref: APP/J4423/W/20/3254777

Junction of Sandygate Road and Carsick Hill Road, Sheffield S10 3LW

- 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 Limited & Hutchinson 3G UK Limited against the decision of Sheffield City Council.
 - The application Ref 19/04172/TEL, dated 15 November 2019, was refused by notice dated 10 January 2020.
 - The development proposed is described as 'a MBNL 20.00m High Phase 7 Monopole C/W wrapround cabinet to be installed on root foundation and associated works.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is no dispute that the proposal would accord with the requirements of Schedule 2, Part 16, Class A, Paragraph A.2(3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Consequently, prior approval for the siting and appearance of the proposed development is required and is the subject of this appeal.
3. 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 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.

Main Issue

4. The main issue is the effect of the proposal on character and appearance of the area, including the effect on the setting of nearby listed buildings.

Reasons

5. The National Planning Policy Framework (the Framework) sets out the Government's approach to communications infrastructure. It states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, but that the number of masts and sites for such installations should be kept to the minimum consistent with the

needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. For a new mast, evidence should be provided to demonstrate that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

6. The appeal site is located within the footway at the junction of Sandygate Road and Carsick Hill Road. A line of mature trees populates the corner and extends down Carsick Hill Road, standing inside a stone wall of some 2.5 metres high which wraps around the corner. Street furniture around the site is limited to a single telephone box and lighting columns and telegraph poles reaching around 8 metres high which are concealed by the taller tree canopies.
7. Standing immediately opposite the appeal site is Towers Lodge, a Grade II listed stone building in the Scottish Baronial style, with a distinctive round tower with conical roof and prominent gabled elevation to the front. The Lodge sits at the entrance to The Towers, which is also listed but is screened from the street scene by substantial tree coverage in its grounds. The Lodge, however, occupies a very prominent position at the junction of three roads. It is visible and prominent from a distance to the east on Sandygate Road, and it forms the terminus of views up both Carsick Hill Road and Coldwell Lane.
8. The setting of the lodge is influenced by the openness of the playing fields opposite the site which adds to the prominence of the listed building in views along Sandygate Road, but also the mature tree lines to the west of the site and down Carsick Hill Road which frame these views and lend the immediate setting and area a noticeably sylvan character distinct from the more typically suburban character further to the east on Sandygate Road.
9. The proposed monopole would stand 20 metres tall, with a number of stacked antennas and dishes proposed to its upper section. The monopole would stand more than twice the height of the street lighting poles along Sandygate Avenue. It would be taller than the floodlight pole within Hallam FC's facility and would extend above the tree line within which it would be placed. Given this scale, the monopole would form a highly conspicuous feature visible from distance along Sandygate Road. It would stand significantly above and intrude upon the immediate setting of the Lodge only some 20 metres away across the road and would draw the eye away from the Lodge in views from the east. In doing so, it would detract from the prominence of the Lodge's round tower and would diminish its stature within the street scene. This effect would be exacerbated in winter when the trees are not in leaf.
10. I accept that the view up Carsick Hill Road would not be significantly affected, due to screening from the intervening trees, but the monopole would be jarring in views from Coldwell Lane where it would appear above the top of the Lodge and would detract harmfully from its distinctive roof profile.
11. The setting of the listed building aside, I saw that there are gaps in the tree line around the site and the monopole would stand within one of these gaps, reducing the degree to which it would be concealed in closer views from around the junction. The jarring presence of the monopole would be clearly observed from residential windows and gardens on Sandygate Grange Drive opposite the site, and I note evidence provided by a local resident which suggests it would be seen from further afield. It would also be a conspicuous feature highly

- visible across the open ground of the adjacent cricket and football pitches by players and patrons of the sports club.
12. The appellant has indicated a willingness to accept a prescribed colour for the monopole should that be necessary. However, no indication of a colour is provided, and therefore I am not in a position to consider whether a particular colour would overcome the adverse visual impact of the pole.
 13. For these reasons, I find that the siting and appearance of the proposed monopole would fail to preserve the setting of the Grade II listed Towers Lodge and would significantly harm the character and appearance of the area. In so far as development plan policies are material, there would be conflict with Policies H14 and BE14 of the Sheffield Unitary Development Plan (March 1998) (the UDP) which require new development in housing areas to be on a scale consistent with the residential character of the area, and require telecommunications development to be sited and designed so as to minimise its visual impact, subject to technical and operational considerations. There would also be conflict with Policy BE15 of the UDP which states that development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted. Further conflict arises with the Framework's aims for high quality design.
 14. The harm to the setting of the listed building would be less than substantial, in the language of the Framework. Paragraph 196 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
 15. The appellant indicates that the proposal has arisen due to an existing mast located at the Plough Inn a short distance along Sandygate Road having to be removed due to the site's redevelopment. The role of the proposed monopole in the roll out of 5G coverage is set out in the appellant's evidence, and the importance of this is made clear by the Framework. However, the Framework also requires that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development, including evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
 16. The appellant refers to a sequential approach having been undertaken and provides analysis of the other sites area which were considered. Reference is also made to pre-planning discussions with Council officers, though I have limited details of the substance of these discussions. In any case, informal advice given before an application is made is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all material factors, including responses to public consultation. As such, I place only limited weight on opinions given by officers at that stage.
 17. In respect of the sequential approach, the appellant's evidence indicates that the erection of a new mast should only be considered where three other options have been discounted – replacing an operator's own existing base station; sharing an existing mast with another operator; or co-locating or site sharing alongside existing telecommunications development. I recognise that the mast would be used by two operators, and by the Emergency Services Network; however whilst the appellant states that all attempts to utilise existing structures have been employed, there is no detail provided in evidence

of which other operators' sites have been considered or why they were ruled out, and therefore I cannot be certain that these options have been fully explored.

18. In terms of alternative sites, the information before me is limited to a very brief commentary on why each site is unsuitable. The appellant stresses that the search area is exceptionally small, in that the mast can be located no further north, south or west of the appeal site, nor further east than the former site at the Plough Inn. However, most if not all of the list of alternative sites appear to be outside this very tight search area, but few of these appear to be discounted for operational reasons.
19. I recognise that much of the intended coverage area of the mast would be within the Ranmoor Conservation Area (the CA), though it is unclear whether all sites within the CA were ruled out for this reason alone. I accept that some sites may be unsuitable due to the fall in the level of the land placing the mast at too low a level to operate effectively, or requiring it to be even taller than that proposed. However, a number of the sites are discounted for the same general reasons, namely proximity to residential uses and perceived planning difficulties arising from this, and limited pavement space for equipment. The proposal before me would be directly across the road from residential properties, and it is unclear how these other sites differ from the appeal site in terms of proximity to residential uses. In addition, 'limited' space does not necessarily mean insufficient space, and the evidence does not establish that none of these sites could physically accommodate the equipment associated with the monopole.
20. There is also conflicting evidence regarding the height needed for the monopole. The appellant states that 20 metres is the minimum height required for the monopole to function at the appeal site, and to meet International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines. However, I note a previous prior approval application in 2019 at a site a short distance away next to 1 Sandygate Grange Drive, initially proposed a 15 metre monopole. It is therefore uncertain whether a 20 metre monopole is required in every location, and I have no information on the height requirements of the other sites.
21. Given all of the above and the harm that I have identified, I need to be satisfied that alternatives have been thoroughly explored. I am mindful that there is a limit to how far an operator can reasonably be expected to go to demonstrate no other less intrusive or harmful sites are available. However, the information before me does not provide sufficient explanation of the site selection process, and I cannot be assured that all alternative, potentially less harmful options have reasonably been explored and discounted and therefore that no more suitable sites are available.

Other Matters

22. In addition to matters addressed above, a number of local residents have raised concerns regarding the health implications of the mast. The appellant has certified that the proposal has been designed to comply with the guidelines published by ICNIRP. The Framework confirms that in such circumstances health safeguards are not something which a decision maker should determine.

23. I have also had regard to other concerns raised by local residents, relating to matters including highway safety, effects on wildlife, effects on the supply of electricity and internet facilities and the effect on existing trees. The Council has not contested the appeal in any of these respects, and whilst I do not dismiss these concerns, the evidence before me does not indicate they would result in additional harms to be weighed in the planning balance. Therefore, I do not address them in further detail.

Conclusion

24. The harm to a designated heritage asset is a matter to which I give great weight, as directed by the Framework. Given the Framework's support for communications infrastructure nationally, I accept that there would be considerable public benefits which would arise from the development. However, I find that the evidence is insufficient to show that there are no alternative sites available which would cause less harm than that I have identified. Consequently, the harm in this case would not be outweighed by the public benefits of the scheme.

25. For the reasons given, therefore, I conclude the appeal should be dismissed.

K Savage

INSPECTOR