



Appeal Decision

Site visit made on 10 September 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2020

Appeal Ref: APP/J4423/W/20/3252355

Land at Junction of Fulwood Road and Old Fulwood Road, Sheffield, S10 3QG

- 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 Cornerstone Telecommunications Infrastructure Limited and Telefonica UK Limited against the decision of Sheffield City Council.
 - The application Ref 19/03991/TEL, dated 28 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is the erection of a 17.5 metre high monopole and associated equipment cabinets.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the site and appearance of a 17.5 metre high monopole and associated equipment cabinets on Land at Junction of Fulwood Road and Old Fulwood Road, Sheffield, S10 3QG, in accordance with the terms of the application Ref 19/03991/TEL, dated 28 October 2019, and the plans submitted with it including

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority 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.

Planning Policy and Background

3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the saved policies of the Sheffield Unitary Development Plan 1998 (the UDP) and the National Planning Policy Framework (Framework) only in so far as they are material considerations relevant to matters of siting and appearance.
4. The Framework advises that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-

being, and that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum, but where new sites are required equipment should be sympathetically designed and camouflaged where appropriate.

5. Paragraph 116 of the Framework sets out that local planning authorities must determine applications on planning grounds only, and should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.
6. Saved Policy BE14 of the UDP requires telecommunications development to be sited and designed so as to minimise its visual impact, subject to technical and operational considerations, with new equipment sharing existing masts or sited on existing structures where technically and economically possible.

Main Issue

7. The main issue is whether the siting and appearance of the proposed installation preserves or enhances the character or appearance of the street scene and Conservation Area, having regard to the potential availability of alternative sites.

Reasons

8. The appeal site comprises a section of pavement at the junction between Fulwood Road and Old Fulwood Road and is situated adjacent to a boundary wall close to No. 4 Fulwood Road. The immediate area is suburban and primarily residential with a leafy character derived from the significant numbers of mature trees within the vicinity. The site is located within the Fulwood Conservation Area.
9. I have had regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. The Framework further advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. The Fulwood Conservation Area Appraisal 2008 advises that the special interest and significance of the heritage asset is derived from its hillside location descending to Porter Brook on Sheffield's urban/rural fringe, with good examples of modest late 19th/early 20th century middle-class houses across the area. The Appraisal also recognises the prevalent use of local stone for buildings, boundary walls, gate piers and floorscape, as well as the abundance of trees and well stocked gardens. However, it also highlights as a weakness the prevalence of on-street parking dominating the streetscene around Old Fulwood Road in the vicinity of NHS premises, a characteristic which I observed at my visit.
11. The proposed mast would occupy a prominent location towards the brow of the hill on Fulwood Road and in this context would appear as an incongruous addition to the street scene. In views from the south of the site the proposal

- would appear as a prominent feature against the skyline and is also highlighted as being located in close proximity to an identified '*Building of Townscape Merit*', albeit that the installation would not have a direct impact on the fabric of the building itself where it is the condition and unaltered form which appear to be the determinative reasons for the designation.
12. I have had regard to the presence of mature street and garden trees along the street to the north east in particular and as a backdrop to the monopole. However, whilst I accept that these provide a certain degree of visual mitigation, they also serve to emphasise the stark contrast between the natural backdrop and the installation. I noted there to be other vertical street furniture in the form of streetlights and telegraph poles present within the vicinity of the site, but these exhibit significantly different visual characteristics in terms of their overall scale and dimensions.
 13. With regards the associated equipment cabinets, I recognise that the wall would serve to provide screening of the installation at lower levels from some directions, but the effect of the location of the cabinets would also screen the wall itself, thus partially impacting on the setting and positive contribution to the significance of the heritage asset. Whilst I accept that parked cars particularly along Fulwood Road will also play their part in screening the installation, placing a reliance on a negative and impermanent characteristic of the conservation area as a means of mitigating the visual impact of development is not a reasonable basis for assessment.
 14. For these reasons, I must conclude that the proposed development would have an adverse visual impact which would neither preserve nor enhance the character or appearance of the Conservation Area. I am mindful that the Framework makes a distinction between a development causing substantial harm to the significance of a designated heritage asset and works that would lead to less than substantial harm. Paragraph 196 of Chapter 16 of the Framework continues by stating that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.
 15. In this case, I find that the proposal would result in less than substantial harm to the Conservation Area for the reasons described. I must therefore consider the public benefits of the installation.
 16. I have had regard to the basis for the proposed development, which is as a result of the installation that provides the existing coverage within the area soon ceasing to be available due to redevelopment. The satisfaction of a need for a facility in the area must therefore weigh strongly in favour of the proposal, albeit that the quantum of weight must be assessed in the context of an analysis of other alternative sites.
 17. Paragraph 115 of the Framework sets out that applications for telecommunications development should be supported with the necessary evidence to justify the proposal. This should include evidence that the applicant has explored the possibility of erecting antennas on an existing buildings, mast or other structure.
 18. The appellant has highlighted within their submissions that a number of other alternative locations for the proposed installation have been explored. These include existing rooftop locations at Newfield Court and Stumperlowe Mansions,

which were discounted due to structural constraints and visual impact due to technical requirements respectively, as well as other sites including by the recycling centre at Sefton Road. However, for the various reasons set out in the evidence none of these sites have proved to be feasible and I note that the Council has not disputed these conclusions or sought to provide any details of further alternative sites for consideration. I therefore also have no basis from which to question the conclusions of this assessment.

19. It is reasonable that any new site needs to provide replica or improved coverage to that of the existing, and that this provides for social and economic benefits to enable customers to continue to have access to the existing levels of coverage and capacity. I also accept that from a technical standpoint the appellant has sought to minimise the impact of the installation by virtue of the simplicity of its overall design and height. Furthermore, the monopole would meet the aspiration for the sharing of structures with both Telefonica and Vodafone to be accommodated at the installation. It is important to note that this proposal also falls within the parameters of 'permitted development' under the GPDO 2015.
20. The accumulation of the above points leads to the conclusion that the provision of the installation in this location provides a significant public benefit to the wider area and community, and to which I attach substantial weight in support of the development.
21. In the absence of any alternative options, I conclude that the benefits resulting from the proposed development would outweigh the less than substantial harm to the significance of the conservation area as a heritage asset and any conflict with Section 72 of The Act. Whilst not determinative, I am satisfied the development would accord with saved Policy BE14 of the UDP and conclude that the benefits would outweigh the conflict with saved Policy BE16 of the UDP, concerning development in conservation areas. I also do not find there to be conflict with Chapters 10 or 16 of the Framework.

Other Matters

22. I have had regard to the various concerns which have been raised by interested parties in respect of a number of other matters. These have included whether the proposal would result in highway safety concerns for motorists and pedestrians, the stability of the structure in high winds, and the future maintenance of the adjacent wall.
23. With regards road safety, I note that the Highway Authority has not raised any objections to the proposed development on the basis of the creation of a distraction for motorists and I have no compelling evidence before me to support the contention that there would be a highway safety issue in this regard. Furthermore, I am satisfied that the installation would not result in an adverse impact on pedestrian movement with the residual pavement width more than adequate to not result in an obstruction to movement.
24. Turning to the remaining issues, whilst I appreciate that the proposed equipment cabinets will be located in close proximity to the existing wall any issues related to future maintenance of the wall are private matters between the appellant and the owner of the wall and would not be determinative in respect of the appeal proposal. Furthermore, with regards the stability of the monopole due to wind load, I am satisfied that this is an issue for the

appellant's structural engineer to address and I have not been provided with any technical evidence to support the contention that this location would be unsuitable to host the proposed development for this reason.

Conclusion

25. There is no authority in this type of case to apply any further conditions beyond the deemed conditions for development by electronic telecommunications code operators as set out in the GPDO 2015.
26. Therefore, for the reasons given above I conclude that the appeal should be allowed.

Martin Seaton

INSPECTOR