



Appeal Decision

Site visit made on 26 January 2021

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 08 February 2021

Appeal Ref: APP/J4423/W/20/3261206

Junction with Ecclesall Road South, Abbey Lane, Sheffield S11 9PW

- 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 & Country Planning (General Permitted Development) (England) Order 2015, as amended.
 - The appeal is made by MBNL against the decision of Sheffield City Council.
 - The application Ref 20/1900/TEL, dated 10 June 2020, was refused by notice dated 4 August 2020.
 - The development proposed is the erection of a 15 metre high monopole and associated ancillary works (Application for determination if approval required for siting and appearance).
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council changed the description and site address of the proposal from those contained in the application form to those shown in the banner heading above. This description and address were also used by the appellant in the Appeal Form. Consequently, I have used this amended development description and address in this appeal decision.
3. 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

4. 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. Therefore, 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

5. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

6. The appeal site comprises part of the highway verge located on the eastern side of a traffic light controlled junction of Ecclesall Road South with Abbey Lane. Residential properties and the junction of Ecclesall Road South with Parkhead Road are located on the opposite side of the road to the west. The rear of the site adjoins the Parkhead Cricket Club ground. An existing 12.5m telecommunications monopole and associated equipment cabinets are located immediately adjacent to the south of the site.
7. Owing to the open nature of the cricket ground to the rear and the width of highway to the front, the appeal site occupies a relatively open and prominent position on this part of Ecclesall Road South. Consequently, the existing mast, although slender in appearance, is quite noticeable in local views.
8. The proposal would involve the installation of a 15m high telecommunications mast and associated equipment cabinets. The appellant indicates that the proposal is required to facilitate the upgrading of digital coverage in the area and the provision of 5G (fifth generation) coverage. The installation would also be compatible for use by the emergency services.
9. There appears to be some confusion whether the proposal is for a replacement or an additional mast. Section 4 of the application form clearly states that the proposal is not replacing an existing installation. The Site Specific Supplementary Information submitted with the application indicates that *"The existing site will therefore be retained at this time so that all existing users may benefit at this difficult time. In addition, EE will become the Emergency Services Network Provider and in order to dedicate the 4G network for that use, the intention is to support all users during the current climate and to maintain all current services without the removal of any existing equipment"*.
10. Paragraph 3.16 of the appellant's statement states that *"the existing mast and associated cabinets will be removed as part of this upgrade and replaced with a monopole that is of comparable height and similar width as the existing mast"*. The appellant has confirmed that the existing mast will be removed although there will be a delay as to when this happens. Consequently, I have no evidence to indicate how long two masts and associated equipment may remain on the site were I minded to allow this appeal.
11. The Council suggests that an additional condition could be imposed requiring that the existing mast and associated base equipment cabinets shall have been removed prior to the installation of the monopole and associated ancillary works. Notwithstanding the fact that the GPDO 2015 does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators, if I were minded to allow this appeal and accept the Council's view then this would be contrary to the appellant's intentions of maintaining current services.
12. In the circumstances outlined above there is no clear and conclusive evidence before me when the existing mast would be removed. Consequently, I have no alternative but to determine this appeal on the basis that the existing monopole may be retained on the site for an indeterminate period of time. However, given the above uncertainties and recognising the appellants intention to remove the existing mast at some point in the future, I have also

considered the impact of the proposed monopole in circumstances where it may be the only mast present in the vicinity.

13. The submitted plans indicate that the proposed installation would be significantly taller than other structures in the immediate vicinity and would exceed the height of existing trees located on the perimeter of the cricket ground. Owing to the width of the proposed monopole, the bulk of the headframe and its height it would appear as being significantly more prominent than the existing monopole.
14. Due to the relatively open nature of its surroundings, the proposal would be highly visible and prominent within the context of the street scene. In my view, the proposal would be dominant in views from the road, the cricket ground and particularly from the junction with Parkhead Road and the residential properties in the immediate vicinity of this junction. In such views, it would represent a dominant and incongruous addition to the street scene that would cause unacceptable harm to the character and appearance of the surrounding area.
15. The views above relate to the unacceptable impact that the proposed monopole would have in circumstances where the existing pole had been removed. If, in addition, the existing monopole was retained for an indeterminate period, I consider that the unacceptable harm to the character and appearance of the surrounding area would be exacerbated. In addition to the two monopoles, there would be a proliferation of equipment cabinets in the vicinity of the site associated with the existing and proposed monopole and the controls for the signalised highway junction.
16. Whilst I note the appellant's contention that such new cabinets would be permitted development, they relate to the whole installation before me and therefore should also be considered in the context of the character and appearance of the surrounding area. The clutter and cumulative impact that would be caused by the proliferation of cabinets and two monopoles located in close proximity to each other reinforces my concerns regarding the detrimental impact that the appeal proposal would have on the character and appearance of the surrounding area.
17. I recognise the need to provide additional telecommunications coverage within the locality and that the Government's support for telecommunication infrastructure needs to be carefully balanced against the visual impact of the proposal. In this case, in undertaking such balance, I do not consider that the public benefits of the installation in terms of the enhancement of the telecommunications network, the operational and locational needs of the operator and the contribution to economic growth outweighs the significant harm that would be caused to the character and appearance of the surrounding area.
18. I therefore conclude that, irrespective of whether the existing mast is removed or retained, the proposed development would harm the character and appearance of the surrounding area and would be contrary to Policies BE14 and H14 of the Sheffield Unitary Development Plan (1998) in so far as these are material considerations relevant to matters of siting and appearance. These policies, amongst other things, require that telecommunications development should be sited and designed so as to minimise its visual impact and that

development should be of a scale consistent with the residential character of the area.

Other matters

19. I have taken into account the appellant's contention that the proposed siting was historically agreed by the Council as the most appropriate location when the original installation was approved and thus the principle of the siting is already established. However, given the significant differences in height and width between the existing and proposed installation I do not consider that the existence of the current monopole sets a precedent to suggest that the use of the existing site can be relied upon as being entirely suitable for a substantially larger mast.
20. I have also taken into account the suggested use of the installation by the Emergency Services Network (ESN). However, I have no evidence to demonstrate the significance of the installation in this context or that there is a specific need or demand for the proposal to meet a deficiency in the ESN. I have therefore attached little weight to this matter.
21. The appellant also 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. However, the fact that the proposal may represent a sustainable form of development does not overcome the harm to the character and appearance of the surrounding area that I have identified above.

Conclusion

22. For the above reasons, taking into account the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR