



Appeal Decision

Site Visit made on 26 October 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2021

Appeal Ref: APP/J4423/W/21/3277262

Burngreave Road, Burngreave, Sheffield S4 7JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison UK Ltd against the decision of Sheffield City Council.
 - The application Ref 21/01778/TEL, dated 10 April 2021, was refused by notice dated 4 June 2021.
 - The development proposed is described as 'proposed 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The postcode in the banner heading is taken from the application form.
3. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have sought the views of the main parties in writing and comments received have been taken into consideration.
4. 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

5. 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 policies of the development plan and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area, and in the event that any harm is identified, whether that harm would be outweighed by the need for that installation.

Reasons

7. Located within the Spital Hill Shopping Area as identified in the Sheffield Unitary Development Plan 1998 (UDP), the appeal site is on the public footway along a busy section of Burngreave Road. The site lies adjacent to a length of railings that bound Ellesmere Green, a public open space that forms a prominent island. Ellesmere Green acts as a focal point within the streetscene.
8. Ellesmere Green includes several tall trees, with seating areas, public art and footways. Although well-used, it provides a peaceful and verdant contrast to the busy roads and the dense urban grain of commercial and residential buildings that surround it. These buildings are typically two storeys although there are a number of taller buildings that are visible in the immediate vicinity, including to the east of Ellesmere Green along Gower Street and Ellesmere Road. Vertical street furniture is common and there are lighting columns and traffic lights close to the appeal site.
9. Despite the slimline design put forward by the appellant, the proposed 15 metres high monopole mast would be of an excessive scale and would be highly dominant and imposing in its immediate setting. Moreover, due to its substantial height and thickness in comparison to the surrounding street furniture, it would appear highly prominent in views from the majority of the converging roads in the vicinity. It would therefore be seen as an incongruous addition to the streetscene.
10. Whilst there are trees that would break up views of the structure, it would rise significantly above these and it would be seen through Ellesmere Green from the row of busy commercial uses along Ellesmere Road as well as in views from Ellesmere Green itself. As the trees are deciduous, their screening effect would be diminished in the winter months. The dominant and utilitarian appearance of the monopole alongside the comparatively verdant open space would significantly detract from the character and appearance of this area and reduce its value to the streetscene.
11. The appellant has referred to pre-application processes and provided details of a number of options that have been discounted in favour of the appeal proposal. However, it is not clear if any of these include siting on existing buildings, masts or other structures. It is stated by the appellant that there is no scope to upgrade an existing mast nor site-share. Whilst I accept that many existing mast designs may no longer be structurally capable of hosting all the equipment of two operators, I have not been provided with persuasive evidence that this has been explored as an option within the cell search area.
12. The Council state that the appellant has failed to consider other less visually sensitive sites in the immediate vicinity, including the areas to the east of Ellesmere Green around Gower Street and Ellesmere Road, where I saw that there were several taller buildings. Although the appellant has made reference to the approach in paragraph 117. c) of the Framework, with regard to options for new mast sites, I have not been provided with any convincing evidence that the alternative option of locating apparatus on a building or other structure has been explored. On the basis of the above, I therefore cannot be certain that more suitable sites are not reasonably available, and that the location chosen is necessarily the least harmful in terms of its visual effects.

13. I have had regard to the support in the Framework for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I have also noted that policies and decisions should support the expansion of the communications network, and the specific support for 5G infrastructure. I have been referred to an appeal decision by the appellant in this regard. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the Framework's requirement for development to achieve well-designed places for the long term.
14. I conclude that the siting and appearance of the proposed monopole would be significantly harmful to the character and appearance of the area and that the harm identified would not be outweighed by the need for that installation. The proposal would be contrary to Policy CS74 of the Sheffield Core Strategy (2009) (SCS), UDP Policies BE14 and S10, and paragraphs 115, 117 and 130 a), b) and c) of the Framework.
15. SCS Policy CS74 seeks to provide high quality design that respects the character and appearance of the city. UDP Policy S10 requires, amongst other things, that new development in shopping areas is well designed and of a scale and nature appropriate to the site. UDP Policy BE14 states that new telecommunications development should be sited and designed to minimise its visual impact, with new equipment being sited on existing structures where feasible.
16. Paragraph 115 of the Framework requires new telecommunications sites to be sympathetically designed and camouflaged where appropriate whilst paragraph 117 requires such proposals to be supported by evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. Paragraph 130, amongst other things, requires proposals to add to the overall quality of the area, be visually attractive, and sympathetic to local character.

Conclusion

17. For the reasons given above the appeal should be dismissed.

Paul Martinson

INSPECTOR