



Appeal Decision

Site visit made on 4 February 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2022

Appeal Ref: APP/J4423/W/21/3282868
East Bank Road, Moorfoot, Heeley S2 3QN

- 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 CK Hutchinson Networks (UK) Ltd against the decision of Sheffield City Council.
 - The application Ref 21/02433/TEL, dated 16 May 2021, was refused by notice dated 28 July 2021.
 - The development proposed is described on the application form as: 'proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description given in the banner heading above, based on plan SHF10416_M002 Issue B before me, it is evident that the proposal has evolved and is for a 15m high monopole. I have assessed the proposal on that basis.
3. Consistent with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Schedule 2, Part 16, Class A, Paragraph A.3(4) I have assessed the proposal on the basis of its siting and appearance.

Planning Policy

4. 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 nevertheless had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material 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 area.

Reasons

6. The appeal site is located adjacent to a retaining wall at the back edge of the pavement along East Bank Road; a wide and reasonably busy thoroughfare in an urban area. A steeply sloping wooded area with some trees extending to 15

metres above ground level¹ is immediately adjacent, extending along this side of the road. A footway leading up this slope meets the pavement just beyond the appeal site. This serves the residential properties at Park Spring Drive, which are located at a much higher level than the appeal site, with the rear elevations of some of these being just visible through the trees.

7. Aside from these residential properties, the immediate area has a predominantly industrial character, with several large industrial buildings and associated fenced compounds on the opposite side of the road to the appeal site. The road curves and slopes down to the north. To the south, past the footway, lies a road junction, beyond which there are several residential properties lining the road. An existing telecommunications mast is located on the opposite side of the road, some 50 metres away from the appeal site². There is some existing street furniture, albeit not so much as to create an undue sense of congestion or such that any and all further additions would be acceptable.
8. In its delegated report, the Council refers to an unimplemented approval³ of a 20 metres high monopole mast some 70 metres to the north of the appeal site on the same side of East Bank Road. However, whilst I have not been provided with any details in the form of approved plans or precise location, the proximity of the extant approval has not been disputed by the appellant.
9. It is proposed to site the 15 metres high monopole and equipment cabinets at the back edge of the pavement adjacent to the retaining wall and the wooded slope which would provide partial screening in views from Park Spring Drive as well as providing a backdrop in views along East Bank Road. Whilst the top of the tower in particular would be thicker than the existing vertical structures, given the presence of those vertical structures, and the industrial character of the area, I am of the view that the proposed monopole would not, in itself, appear unexpected in such a context.
10. The residential properties lining the road on the opposite side of the junction would be sufficient distance away to avoid any obvious contrast in scale. Given the setting of the proposed mast, close to industrial buildings and seen against the backdrop of trees of a similar height, amongst existing vertical structures, I am satisfied that it would not intrinsically appear out of scale or character with its surroundings.
11. However, the proposal would be sited in close proximity to the aforementioned existing mast. It would also be located relatively close to the site of the recently approved 20 metres high mast. Those installations or locations would be seen in conjunction rather than singularly. There is no indication that the approved mast would not come forward; indeed, the evidence before me regarding the suitability of this location for achieving coverage and the focus currently on 5G rollout suggests otherwise.
12. Were the extant approval to be implemented, this would lead to three tall masts being visible alongside one another for some distance along East Bank Road. Cumulatively those masts would, in my view, have a greater effect than individually. Combined, they would give the streetscene an unduly congested

¹ Based on the measurements on Plan Ref: SHF10416_M002 Issue B

² Based on the measurements in the Council's Officer Report.

³ 20/04461/TEL

and cluttered appearance. The proposal would therefore result in a degree of harm to the character and appearance of the area. I note that paragraph 112. c) encourages the creation of places which 'avoid unnecessary street clutter'. The scheme would fail to meet that aim.

13. I have had regard to the support in the Framework for high quality communications and infrastructure. However, I must balance this against the Framework's aim for equipment to be sympathetically designed and camouflaged where appropriate, as well as the Framework's encouragement of development to achieve well-designed places for the long term.
14. I accept that the scheme would enhance 5G coverage here. The appellant has undertaken an assessment of potential alternatives and has considered and discounted the option of sharing the existing mast. However, notwithstanding that the remaining alternative options have all been discounted for the same reason, none of these consider sharing the mast that is subject of the recent approval.
15. Whilst the appellant states that providers cannot attach to some existing structures due to the nature of 5G, given that the mast is not yet in place, I cannot discount that there could still be opportunity to mast share in this instance (avoiding the aforementioned harm from arising). Therefore, it has not been robustly demonstrated that the proposal complies with the requirement of paragraph 115 of the Framework to keep masts to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion.
16. For the foregoing reasons I conclude that the proposal would be harmful to the character and appearance of the area. The proposal would be contrary to Policy BE14 of the Sheffield Unitary Development Plan (1998) (UDP) which 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. There would also be conflict with Policy H14 (a) and (l) of the UDP which, amongst other things, seeks to ensure new development is of an appropriate design and scale, that preserves the character and appearance of the area.
17. Similarly, there would be conflict with Paragraph 115 of the Framework which encourages the use of existing masts for new telecommunications development and requires new sites to be sympathetically designed and camouflaged, where appropriate.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR