



Appeal Decision

Site visit made on 24 August 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

Appeal Ref: APP/J4423/W/22/3295273

Longley Lane, Sheffield S5 7JX

- 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 CK Hutchison Networks (UK) Ltd against the decision of Sheffield City Council.
 - The application Ref 21/03945/TEL, dated 18 November 2020, was refused by notice dated 28 October 2021.
 - The development proposed is a 15m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The name of the appellant company is spelt differently on the Application Form and Appeal Form. The appellant has clarified the correct spelling, which I have utilised in this decision.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on this basis.
4. The principle of development is established by the GPDO and the provisions of the Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have, though, had regard to the saved policies of the Sheffield Unitary Development Plan (UDP), the Sheffield Development Framework Core Strategy (Core Strategy) and the National Planning Policy Framework (Framework) insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area, having regard to the setting of Longley Hall; and if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

6. The appeal site is situated on the north-western side of Longley Lane, a short distance from its junction with Herries Drive. The area along Longley Lane in the vicinity of the site is formed mainly of two storey residential properties. The appeal site forms part of a grass verge between the footway and the vehicular carriageway. The presence of trees along this verge, in an adjacent area of open space as well as to the frontages of residential properties, gives the area a spacious, suburban character.
7. The proposed mast would be close to existing streetlights, but at a height of 15m, it would be significantly taller than these and any other items of street furniture. Nearby trees would provide some screening of the proposal from certain locations to the north. However, the lack of mature trees for some distance to the south-west of the site would result in the mast being clearly seen in such views. It would be unduly exposed in an open area and appear conspicuously tall and higher than any nearby built or natural features.
8. The design of the mast has been put forward as the least visually intrusive solution available. For the most part it would have a slimline pole design, but due to the wider section at the top of the tower, it would have a bulky appearance that would draw the eye and result in it appearing as a visually intrusive addition to the streetscene. The colouration of the pole would not overcome this harm.
9. The Council are concerned that the three additional equipment cabinets to the wrap around cabinet at the base of the mast would give rise to street clutter in a prominent position. However, as they would be low level structures positioned in a linear arrangement, they would not unduly add to street clutter or unacceptably harm the character and appearance of the area.
10. Longley Hall is Grade II listed and situated on the opposite side of Longley Lane. The design of the building dates from the late C18 and early C19. Its significance derives from its traditional architectural detailing, its scale and elevated position from the road. The utilitarian, functional appearance of the appeal scheme would contrast with the traditional form of the listed building. It would however be sited at an angle to the listed building and be separated from it by the road. The proposal would be near a triangular open space area, but this is also situated on the other side of the road to the listed building. As such, I do not consider the proposal, which would be sited near the corner of the referenced open space area, would result in harm to the setting of the listed building and its significance.
11. In conclusion, the proposal, whilst it would preserve the setting of the listed building, its siting and appearance would harm the character and appearance of the area. It would conflict with paragraph 115 of the Framework and also saved UDP Policies BE14 and H14 and Core Strategy Policy CS 74 which seek, amongst other matters, high-quality development with telecommunications developments being sited and designed to minimise visual impact. A number of other policies are referenced in the refusal, including saved UDP Policies BE5 and BE19, but the former relates to the design of buildings, and I have found no conflict in relation to the latter policy relating to development affecting listed buildings.

12. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and in this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposed mast would provide 5G coverage and a number of potential benefits have been set out by the appellant relating to improved connectivity. I acknowledge the benefits that would be provided, to the economy and society of facilitating 5G provision.
13. The appellant states that the proposal is in a highly constrained cell search area geographically and is influenced by various factors, such as the separation required from other equipment, pavement width and the presence of underground services. Within the search area, a number of sites were considered and discounted. This included a site 'D2' on Crowder Road which was discounted due to 'insufficient pavement width to house the equipment'. From my observations, the area indicated on Crowther Road, includes a grass verge area as well as a footway. This location could potentially accommodate the proposal and I find the analysis of all the discounted options by the appellant is too generalised to eliminate other options.
14. I appreciate the need for this installation is to address the provision of 5G coverage in the area. It would provide benefit in terms of access and speed to a multitude of users and this weighs in favour of the appeal as does the potential of this proposal to facilitate future site sharing and the use for future technologies. I have also no reason to question the need for a new site for this proposal and the adherence by the appellant to the sequential approach in considering existing base stations/structures, site sharing or installing on an existing building or tall structure. The proposal would, however, for the reasons set out above, be harmful to the character and appearance of the area. I note that a mast with a height of 15m is required to clear surrounding clutter. On the evidence before me though I am not convinced that less harmful alternatives have been properly explored and it is my overall view that the need for the proposal does not in this case, outweigh the harm.

Other Matters

15. The appellant has set out that the proposal maintains a reasonable distance from more sensitive receptors. Although it is stated that other locations would place the mast closer to such sensitive receptors or require an increase in height, I am not persuaded from the available evidence, including consideration of alternative sites, that this would necessarily be the case.
16. The proposal would not result in an obstruction to the free flow of pedestrians, harm to the living conditions of residents, and there have not been any objections from statutory consultees. I note the concerns in relation to the potential effects on health but the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). A lack of harm in these areas are neutral matters and do not weigh in favour of the proposal.
17. The appellant sought pre-application discussions with the Council who did not provide a response prior to the submission of the appeal application which was made after planning permission was refused on a nearby site. In any event, I have considered the proposal on its planning merits.

18. The appellant has also stated that the number of cabinets have been kept to a minimum and these are Permitted Development without the need for prior approval. I have not found this aspect of the development to be harmful, but this does not alter or outweigh my conclusion about the harm that the proposal would cause.

Conclusion

19. For the above reasons, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR