



Appeal Decision

Site visit made on 5 October 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/J4423/W/22/3298368

Beck Road Streetworks, Sheffield S5 0GA

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Thomas Three of CK Hutchison Networks (UK) Ltd against the decision of Sheffield City Council.
 - The application Ref 21/04985/TEL, dated 26 November 2021, was refused by notice dated 14 January 2022.
 - The development proposed is described as *"In this instance, a new 15m high 'slim line' Street pole with built-in cabinet and 3no. separate equipment cabinets are to be positioned adjacent to a main road with existing street furniture within the vicinity which should soften any visual impact"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order), 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.
3. The principle of development is established by the Order and the provisions of Schedule 2, Part 16, Class A of the Order do not require regard be had to the development plan. I have had regard to the policies of the saved policies of the Sheffield Unitary Development Plan (UDP) and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area; and if any harm is identified whether that harm would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

Character and Appearance

5. The appeal site is part of a grass verge running along the northern side of Beck Road, close to its junction with Hartley Brook Road. The verge separates the carriageway from the footway. This section of verge contains lighting columns and a telegraph pole. There is a bus shelter on Hartley Brook Road close to the appeal site. The surrounding area is residential in nature, characterised by two storey semi-detached houses set back from the highway. Generally, the streets here have wide grassed verges containing some street furniture and street trees alongside the carriageway which create a spacious feel to the area and collectively make a positive contribution to its appearance.
6. The proposed location for the 15m high monopole and associated base cabinets would be prominently sited close to the junction of Beck Road with Hartley Brook Road. An expansive area of pavement and significant setback of the houses relative to the junction would serve to emphasise rather than minimise the intrusive and dominant presence of the proposed installation. One small street tree and the presence of the bus shelter close to the appeal site would not serve to provide any meaningful screening of the cabinets or the monopole itself. The monopole's height and relative bulk compared to the streetlight columns and other structures such as the nearby bus shelter would appear out of scale and out of keeping in this residential location, as well as relating poorly to its surroundings in terms of siting and position. Accordingly, having regard to its scale, height, prominent position, the proposed installation would be an incongruous feature, which would adversely affect the character and appearance of the street scene and wider area.
7. Therefore, insofar as they are a material consideration, the proposal would be contrary to the aims of UDP Policy BE14 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. The proposal would also conflict with the aims of the Framework in achieving well designed places and would be contrary to the Framework Paragraph 115 which requires new telecommunications sites to be sympathetically designed and camouflaged where appropriate.
8. I accept that the appeal site location does not lie within a conservation area and is not covered by a Tree Preservation Order. It is also clear that the site lies within an urban area and that telecommunications infrastructure is commonly seen within such areas. However, these factors do not diminish the harm to character and appearance arising from the proposals siting and appearance that I have identified above. The siting and appearance of the proposal would therefore be harmful to the character and appearance of the surrounding area and as such would be contrary to UDP policies BE14 and H14.

Alternative Sites

9. For a new mast or base station paragraph 117 c) of the Framework requires the developer to submit evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure. The

appellant states that the cell search area is very constrained with options limited, and that the proposed location is the only viable option. The appellant has considered and discounted a number of other sites, which are listed and described.

10. The appellant states that opportunities for site sharing have been investigated and exhausted, with there being no suitable structures or properties in the designated search area that could facilitate a rooftop or site share installation. However, the reasons are brief and unsupported by any further evidence to suggest why they would be more harmful than the appeal scheme, or are not viable.
11. Furthermore, the level of detail for the discounted options is somewhat limited and there is a lack of justification for each discounted site. A number have been discounted due to 'proximity to residential properties' or 'the pavement being too narrow'. As detailed above the appeal site is located close to a several residential properties. The appellant however does not advise why the discounted sites would be more harmful than the appeal site in this regard.
12. I am therefore not satisfied that a thorough review of possible site options within the cell search area has been conducted. Moreover, the level of detail for those sites which were explored and discounted is somewhat vague and without robust justification. As a result, the harm I have identified to the character and appearance of the area is not outweighed by the needs for the installation to be sited in the proposed location.

Other Matters

13. I note that no objections were received to the application. Nevertheless, the lack of objections does not equate to a lack of harm, which I have identified above and therefore this factor weighs neither for nor against the proposal.

Conclusion

14. In coming to my decision I have had regard to the advice in the Framework in respect of the installation of telecommunications equipment. Approval of this application would help to provide reliable and efficient digital communications to help meet the needs of businesses and communities, enabling business users to efficiently work wherever they are located. However, these benefits would not outweigh the harm that I identified above.
15. Consequently, for the reasons given, I consider that the siting and appearance of the proposal would be unacceptable. The appeal should therefore be dismissed.

KL Robbie

INSPECTOR