



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: 2 November 2022

Appeal Ref: APP/J4423/W/22/3299859

Birley Spa Lane Street Works, Birley Spa Lane, Sheffield S12 4HD

- 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 Three (CK Hutchison Networks (UK) Ltd) against the decision of Sheffield City Council.
- The application Ref 21/05066/TEL, dated 30 November 2021, was refused by notice dated 20 January 2022.
- The development proposed was originally described in part as *"the installation of 18m high 'slim line' Streetpole with built-in cabinet and 3no. separate equipment cabinets (colour Grey RAL7035) are to be positioned alongside existing street furniture"*

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of an 18m high 'slim line' Streetpole with built-in cabinet and 3no. separate equipment cabinets to be positioned alongside existing street furniture at Birley Spa Lane street works, Birley Spa Lane, Sheffield S12 4HD in accordance with the terms of the application Ref 21/05066/TEL dated 30 November 2021, and the suite of plans submitted with it all within Drawing No. SHF19570_SHF364_84854_S1231_GA_REV_B Issue B.

Preliminary Matters

2. The Council amended the description of the development during the consideration of the application to read "the installation of 18m high 'slim line' Streetpole with built-in cabinet and 3no. separate equipment cabinets (colour Grey RAL7035) are to be positioned alongside existing street furniture". This is a more concise description of the proposal and removes superfluous text from that set out in the application form, albeit that I have further altered it to reflect the statutory process applicable to proposals of this nature. I have determined the appeal accordingly.
3. 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.
4. 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 Issues

5. The main issues are the effects of the siting and appearance of the proposed installation on:

- the character and appearance of the area; and
- pedestrian movement.

Reasons

Character and Appearance

6. The proposed location for the monopole and cabinets would be close to the junction of Birley Spa Lane with Dyke Vale Avenue. The equipment would be sited on a small area of grass verge between two pavements on the corner of the junction. The proposed installation would be set against a backdrop of substantial trees and hedges.
7. I accept that the installation would be taller than existing street furniture and the trees behind and would be clearly visible, but that in itself would not make the proposal harmful to the character and appearance of the surrounding area. The monopole and cabinets would be set back from the edge of the carriageway. As a result cabinets at ground level would not be unduly prominent when viewed from either direction along Birley Spa Lane, and from Spring Water Drive opposite would be set against a substantial backdrop of vegetation.
8. The monopole itself, whilst being taller and wider than the surrounding street furniture, would not look out of place in the context of the trees and vegetation which provide a backdrop and against which it would be viewed from all directions. Whilst I appreciate that the trees may be removed or pruned at some point in the future I have no reason to suspect either is imminent, planned or likely. I have in any event determined the appeal on the evidence before me, including my observations of the site and its surroundings during my visit.
9. For the reasons set out above, I am satisfied that the proposal has been sited and designed in such a way as to minimise its visual impact, which I find to be acceptable and would avoid harm to the character and appearance of the surrounding area. Insofar as they are a material consideration, the proposal would comply with the aims of UDP Policy BE14 which states that new telecommunications development should be sited and designed to minimise its visual impact.
10. The proposal would also comply 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 which seek to minimise the impact of development on the visual amenity of a locality. The proposal would also be consistent with the aims of the Framework in this respect.

Pedestrian Movements

11. The proposed monopole and cabinets would be located between two sections of footpath on the junction. The footpath closest to the hedge is narrower than the footpath which runs closest to Birley Spa Lane. The proposal would be sited on a grassed area between the two. From my observations on site, it would not obstruct the free-flow of pedestrian users.
12. The Council is concerned that it may impede users of the footways with mobility problems or pushchairs, through a perceived narrowing of the footway. However, I have not been provided with any substantive evidence that this would be the case. The footway to the front of the proposed installation would remain open and wide and movement would not be restricted as a result. The footway to the rear would not be reduced in width and the height of the cabinets would be such that they would not materially reduce visibility or impinge on the width of the available footway. The hedge appeared to be well maintained and no branches of the trees were overhanging the footway which would impede pedestrian movement in this location. Therefore, I give this matter little weight in my consideration of the appeal.
13. For the reasons set out above, I am satisfied that the proposal has been sited and designed in such a way as to not impede pedestrian movements in the area. Insofar as they are a material consideration, the proposal would comply with the aims of UDP Policies BE10(a) and H14(d) which together seek to ensure that streets and public spaces are safe to use for all and do not endanger pedestrians, and the aims and provisions of the Framework.

Other Matters

14. The Council note that the proposal would be located close to an Area of Natural History and a building known as the Bath House. The Council conclude that the setting of the Bath House would not be negatively impacted by the proposal and I have not been presented with any evidence which would lead me to an alternative conclusion.

Conditions

15. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communication purposes and the land restored back to its condition before development took place. The Council have not suggested any additional planning conditions be imposed should approval be granted.

Conclusion

16. For the reasons given, I consider that the siting and appearance of the proposal would be acceptable. The appeal should therefore be allowed, and prior approval should be granted.

KL Robbie

INSPECTOR