



Appeal Decision

Site visit made on 19 October 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/J4423/W/22/3292165

Corner of Shirecliffe Road & Firshill Crescent, Opposite Substation, Sheffield S5 8XS

- 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 Cornerstone Telecommunications Infrastructure Limited against the decision of Sheffield City Council.
 - The application Ref 21/02734/TEL, dated 9 June 2021, was refused by notice dated 5 August 2021.
 - The development proposed is a 17.5 metre high apollo street pole, with 6no. antennas, 1no. GPS module, 3no. supporting equipment cabinets and 1no. meter.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) 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 account of any representations received. My determination of the appeal has been made on the same basis.
3. 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 to be had to the development plan. I have nevertheless had regard to the policies of the Sheffield Unitary Development Plan 1998 (UDP), the Sheffield Development Framework; Core Strategy 2009 (Core Strategy) and the National Planning Policy Framework (the Framework), in so far as they are a material consideration relevant to matters of siting and appearance.
4. The Council amended the description of the development on the planning decision notice. However, it is not clear if the change was agreed by the appellant. I have therefore used the description of the development as shown on the planning application form.
5. The planning application the subject of this appeal was submitted prior to the 2021 revision of the Framework. Whilst some paragraph numbers have changed and sections added, the substantive elements of the 2021 Framework as they relate to the main issue of the case have not changed from the previous iteration.

Main Issues

6. 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 would occur, whether that harm would be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

7. The appeal site is located at the back edge of the pavement adjacent to a 2m high black metal fence, close to the junction of Shirecliffe Road and Firshill Crescent. Whilst located next to a football training ground, the surrounding area is predominantly residential in character, with nearby dwellings typically 2-storeys in height. A mast exists to the north of the appeal site which I am told by the Council is 12.5m in height. I saw that this appears to be generally comparable in height with the regularly spaced street lights along the road, and the trees at the back of the boundary fence. There is therefore, a common regularity to the height of structures along this section of Shirecliffe Road.
8. I acknowledge that the least intrusive design solution and equipment configuration has been selected and the appellant has sought to minimise the mass and scale of the installation as much as possible, while still delivering the service and operational needs. Whether or not such structures are common along well-trafficked roads, in this case the proposed height of the mast at 17.5m would be significantly taller than the existing vertical structures already present, greater in thickness and a noticeably different shape. It would therefore be out of context with the surrounding low-scale forms of development as described above.
9. Shirecliffe Road is relatively straight on the approach from the north, such that drivers of approaching vehicles would have a clear line of sight of the proposed mast for some distance and uphill, emphasising the height of the mast. The trees which run along the fence to the training ground would provide a backdrop to the lower part of the mast. However, the proposed mast would be grey in colour, contrasting with the dark colours of the fence, trees and existing vertical structures including the street lights, existing mast, traffic lights and highway signage which are coloured black. The proposed colour would accentuate the alien appearance and height of the mast, drawing the eye to a negative degree. I find that the mast has not been sympathetically designed or camouflaged. Although I note the appellant's suggestion that the mast could be any colour, given that this is an application for prior approval under Schedule 2, Part 16, Class A of the GPDO, there is no provision to enable the use of an additional condition, to satisfactorily resolve the external finish of the proposed mast.
10. The proposal would be sited close to the aforementioned 12.5m mast. It would also be in proximity to an unimplemented approval (appeal reference 3268791) of a 20m monopole mast approximately 70m (as cited by the appellant) to the north of the appeal site. Whilst no details of this permission in the form of approved plans are before me, the extant approval has not been disputed by the appellant and there is no indication that the approved mast would not come forward. Were the extant approval to be implemented, all 3 masts would be seen in conjunction with each other, for some distance along the same side of Shirecliffe Road, 2 of which would extend significantly above the existing tree

line. Cumulatively the masts would have a greater effect than individually, giving a congested and cluttered appearance to the street scene. The harm exerted on the character and appearance of the area arising from the proposal would therefore be significant. Whilst the height of the mast has been reduced and the location altered since the refusal of a previous scheme (reference 20/00179/TEL), it does not alter my concerns regarding the proposal before me.

11. The proposed equipment cabinets would be of a relatively low-scale, coloured dark green and viewed against the backdrop of the dark metal fence. Appearing as a typical piece of street furniture, they would not have a detrimental effect on the character and appearance of the area.
12. The proposed pole would provide additional 4G service whilst introducing 5G coverage for local residents and businesses. In considering the need for the proposal Government policy, as set out in the Framework recognises that advanced, high quality and reliable communications infrastructure such as 5G is essential for economic growth and social well-being. In this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. This is likely to have positive economic benefits including facilitating growth. I attach considerable weight to these benefits accordingly.
13. An assessment of 11 other potential locations has been made, including alternative sites suggested by the Council, that have been discounted for reasons of poor coverage and site constraints. However, there is no evidence before me to suggest that the mast the subject of the extant approval has been considered for site sharing. I acknowledge the appellant's advice that providers cannot attach to some existing structures due to the nature of 5G technology. However, given that the extant mast is not yet in place, I cannot discount that there could be an opportunity for co-location or sharing here, to avoid the proliferation of apparatus. On this basis it has not been robustly demonstrated that the proposal complies with the requirement of paragraph 115 of the Framework, to keep installations to a minimum, consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion.
14. For the foregoing reasons, I conclude that the proposed mast would represent an intrusive addition to the street scene, resulting in significant harm to the character and appearance of the area, that is not outweighed by the need for the installation to be sited as proposed, and its social and economic benefits. In so far as they are material considerations, the proposed mast would conflict with Policies H14 and BE14 of the UDP and Policy CS74 of the Core Strategy. These policies amongst other things, collectively require new development, including telecommunications, to be sited to minimise visual impact, to be of a high quality and contribute towards creating attractive neighbourhoods. There would also be conflict with paragraphs 115 and 130 of the Framework which seek to keep the environmental impact of new telecommunications development to a minimum through sympathetic design.

Other Matters

15. Notwithstanding that the GPDO enables the provision of new masts up to 20m on highway land, these permitted development rights are subject to a prior approval process. As such, they do not crystallise until that procedure has been

completed and granted. It does not therefore provide a fallback position that has a realistic prospect of being implemented.

16. Reference is made to 4 appeal decisions that have granted prior approval for the erection of 4 masts ranging between 15m and 20m in height (references 3268791, 3279049, 3271311 and 3121520). No details including the approved plans and information relating to the site locations are before me, and so it is unclear to what extent those cases are directly comparable to the current appeal proposal. Moreover, in all of the cases the adverse effects of the proposal were deemed to be outweighed by the public or socio-economic benefits. In this regard the decisions differ from the scheme before me, with which I have found that the benefits would not outweigh the harm caused to the character and appearance of the area. I do not therefore find the circumstances comparable to those before me.

Conclusion

17. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

M Clowes

INSPECTOR