



Appeal Decision

Site visit made on 1 November 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2022

Appeal Ref: APP/J4423/W/22/3300959

Outside Cherry Tree Public House, junction of Carter Knowle Road and Carter Knowle Avenue, 278 Carter Knowle Road, Sheffield, South Yorkshire S7 2EA

- 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 against the decision of Sheffield City Council.
 - The application Ref 21/04733/TEL, dated 28 October 2021, was refused by notice dated 15 December 2021.
 - The development proposed is a 17.5 metre high Apollo streetworks column with 6 no. antennas, 1 no. GPS module, 2 no. equipment cabinets and 1 no. meter cabinet.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 17.5 metre high Apollo streetworks column with 6 no. antennas, 1 no. GPS module, 2 no. equipment cabinets and 1 no. meter cabinet at land outside Cherry Tree Public House, junction of Carter Knowle Road and Carter Knowle Avenue, Sheffield, South Yorkshire S7 2EA in accordance with the terms of the application Ref 21/04733/TEL, dated 28 October 2021, and the plans submitted with it 100 B, 201 C and 301 C.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.

Planning Policy

3. Part 16 of the GPDO 2015 establishes that the proposal is permitted development. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies BE14 and H14 of the Sheffield Unitary Development Plan, 1998 and Policy CS74 of the Sheffield Development Framework Core Strategy, 2009 are material considerations as they relate to issues of siting and

appearance. In particular, they seek to ensure that development respects townscape character, does not result in unacceptable effects upon the living conditions of residents whilst telecommunications development should, subject technical and operational considerations, minimise its visual impact, share masts or be sited on existing structures. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes sections on supporting high quality communications and achieving well designed places.

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 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 comprises of grass verge within a predominately residential area although other land uses are nearby including a public house and a small parade of retail units. Roadside grass verges are a feature of the area and many of them include trees. Existing street furniture in the area includes lighting columns, telegraph poles and signage. There are also two existing telecommunication mast and associated equipment cabinet installations very close-by to the site. One installation is situated within a grass verge on the opposite side of the footpath to the appeal site whilst the other is located on another grass verge on Montrose Road on the opposite side of a junction.
7. Given the existing telecommunication apparatus, and the number of vertical structures in the area, the proposed mast and associated equipment would not introduce a nature of development that would be very unusual or out of keeping with the area. From certain vantage points, such as farther west and uphill on Carter Knowle Road and farther east and downhill on Montrose Road, the number of trees and their maturity would provide effective screening and softening of the development especially in the months when the trees would be fully in leaf. In these views and at these distances the visual effects of the development would be moderated.
8. However, the proposed mast would be substantially taller than the nearby masts and street furniture and would be bulkier in appearance by reason of its girth and inclusion of unshrouded antennas. It would also be taller than the nearest buildings such as the adjacent public house. Consequently, from closer vantage points, where the aforementioned tree coverage would provide less effective screening, the mast would appear quite dominant and intrusive in the street scene.
9. The addition of the mast would result in there being three telecommunications masts in the same area and some cumulative effects caused by the combination of tall structures would occur. There are already several equipment cabinets adjacent to the existing masts and this development would add three further cabinets. The existing equipment cabinets are a mixture of green and grey and this varied colouring causes them to appear more conspicuous. Therefore, some further harm to the street scene would be caused by the additional cabinets, which, in combination with existing street furniture features, particularly the existing equipment cabinets, would cause a

localised proliferation of features. For these reasons, I conclude the proposed development would have moderately adverse visual effects upon the character and appearance of the area.

10. I noted that a tree was located within the same grass verge as the proposed development would be sited. However, I have no substantive evidence before me that the proposal would result in harmful effects upon the tree and moreover, I note that the Council have raised no objections on such grounds.
11. Having regard to paragraph 117 of the Framework, the requirement for the proposal to be sited in the location and form proposed should be justified. To this end the appellant has submitted details of sites and proposals within the target coverage area which have been considered as alternatives to this development. Details of 14 other proposals are included but are discounted for a range of reasons including that they would fail to fulfil the operator's technical requirements, that mast sharing would be unfeasible for structural reasons, and, that conflict with other services would occur. I note that the Council have not disputed these conclusions and I have no reason to disagree.
12. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. These benefits, and general support for such proposals are clearly set out in the Framework.
13. Given the benefits, the absence of suitable alternative sites weighs strongly in favour of the proposal. Furthermore, I note from the planning history that the proposal is a resubmission of a previous application and that the mast has been reduced in height from that earlier scheme. Coupled with the exploration of alternative sites, some flexibility with the design of the proposal has therefore taken place.
14. In these circumstances, I conclude that the moderate harm to the character and appearance of the area would be outweighed by the absence of alternative options for the telecommunications development.

Other Matters

15. 225 Carter Knowle Road is located on the opposite side of the road to the proposed development. The property is set back behind a footpath and a landscaped area to its front. Taking into account the separation distances which would remain between No 225 and the mast and equipment cabinets I do not find that the siting or appearance of the development would cause harm to the living conditions of the occupiers of that property.
16. Concerns have been raised about potential effects on health. However, 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). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
17. Finally, public representations make reference to a further telecommunications prior approval application nearby to the appeal site on Montrose Road. Confirmation has been provided by the Council that the proposal at Montrose

Road was refused. With this being the case there is no need for me to consider the potential for cumulative effects with the appeal proposal.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be given, that will be subject to the conditions set out in the GPDO 2015.

H Jones

INSPECTOR