



Appeal Decision

Site visit made on 17 January 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/J4423/W/22/3303533

Chapel Road, Sheffield S35 1SS

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison CK Networks UK Ltd against the decision of Sheffield City Council.
 - The application Ref 22/01689/TEL, dated 29 April 2022, was refused by notice dated 21 June 2022.
 - The development proposed is described as 'proposed telecommunications installation: Proposed 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works'.
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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 proposed telecommunications installation: 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works at Chapel Road, Sheffield S35 1SS, in accordance with the application ref: 22/01689/TEL, dated 29 April 2022, and the plans submitted with it including SHF19542_PLANNING_REV_A Issue A (002 Site Location Plan); SHF19542_PLANNING_REV_A Issue A (215 Proposed Site Plan); and SHF19542_PLANNING_REV_A Issue A (265 Proposed Site Elevation).

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions.
3. The provisions of the GPDO require the local authority to assess proposed development solely based on its siting and appearance, taking account of any representations received. My determination of this appeal has been made on the same basis.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. Therefore, I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they

are factors relevant to matters of siting and appearance. In that regard, Policies BE14 and H14 of the Sheffield Unitary Development Plan (UDP) and Policy CS74 of the Sheffield Development Framework Core Strategy (2009) (CS) are material considerations. Such policies require telecommunications development to be sited and designed to minimise its visual impact, and development, generally, to be well designed and respect and enhance the local distinctiveness of its context.

5. I also note that the Council have referred to CS Policy B5 in the reason for refusal. However, that policy relates to new and refurbished buildings and extensions. As such it is not relevant to the determination of this appeal and I have not had regard to it.
6. I have amended the description of development used in my decision from that set out in the banner heading above, which has been taken from the planning application form, to omit anything that is unnecessary to describe the development.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposal 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

Character and appearance

8. The appeal site is within a residential area and forms part of a grassed verge adjoining Chapel Road, close to its junction with Burncross Road. A much larger grassed area is located opposite the site on Chapel Road and Burncross Road. A number of trees are located within the larger grassed area and in front of the flats that adjoin it on Burncross Road. Further trees are located within the garden of the Crown and Cushion Public House to the rear of the site. The open nature of the site in combination with the green space opposite and within the grounds of the Public House, positively contributes to the appearance of the area.
9. The proposal would result in a 15 metre monopole and associated equipment cabinets being located near to an existing lamp post. Lamp posts are regularly spaced along Chapel Road and Burncross Road creating a regular rhythm within the street scene. The introduction of the proposed monopole, which would be of a significantly different scale and appearance to the existing lamp posts, would interfere with this established pattern, to the detriment of the street scene when taken as a whole. Due to its height and the limited number and size of street furniture in the locality, the proposal would be an incongruous structure within the green space and its immediate surroundings. As a result, it would appear as an alien, and discordant, feature which would be unexpected within its context.
10. The monopole would extend well above the nearby buildings and the trees within the surrounding area. I accept that the existing trees within the garden to the Public House would provide a backdrop to the monopole. Furthermore, the trees on Burncross Road would provide some screening in certain views

along Burncross Road. Nonetheless, whilst such trees would reduce its prominence, the monopole would still be clearly visible.

11. The proposed equipment cabinets would be of modest size and extent. As such, they would not result in an undue proliferation of street furniture or a visually cluttered street scene. The pavement on this stretch of Chapel Road appears to be of sufficient width to accommodate the proposals without causing a significant obstruction to pedestrians using the footway.
12. The appellant advises that the equipment would be coloured black to assist with assimilation. However, I am not persuaded that the visual impact arising from the design, height and siting of the structure could be mitigated if black in colour.
13. For the above reasons, the siting and appearance of the proposal would harm the character and appearance of the area.

Alternative sites

14. The Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It therefore supports the expansion of electronic communications networks. The appellant has indicated that there is an acute need for a new base station to provide effective service coverage. This has not been contested by the Council.
15. Paragraph 117 of the Framework also advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this should include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.
16. Whilst limited in detail the appellant has, nevertheless, provided adequate and persuasive evidence of its network coverage requirements, and its site selection process, listing a number of alternative sites that have been discounted. The Council does not dispute the rationale for discounting the alternative sites that have been considered, nor have they suggested other sites that might be suitable. Furthermore, no compelling evidence has been provided to undermine the credibility of these submissions or the size of the search area.
17. Representation has been made suggesting that the proposal could be located in the woodland near to the site which the appellant hasn't considered. I note, however, that the woodland falls outside of the coverage map area identified in the appellants Site Specific Supplementary Information. The open area between the woodland and Chapel Road does fall within the coverage map area, however the proposal would still be prominent in that location and would not, therefore, be a sufficiently less harmful alternative.
18. Considering the above I am satisfied that the appellant has demonstrated that the appeal site is the least harmful location available. This weighs strongly in favour of the proposed installation.
19. I have found that the siting and appearance of the proposal would have an adverse effect on the character and appearance of the area. Nonetheless, having regard to all relevant considerations, including national planning policy and the lack of available alternative sites, I consider that the operational and

locational needs of the appellant and the enhancement of the local telecommunications network, would outweigh such harm.

Other Matters

20. Concerns have been raised about potential effects on health and wellbeing. 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.
21. Although concerns are raised about the loss of property values and the adverse impact of the proposals on house sales and use of the public house garden, there is no evidence to suggest that would indeed be the case. In any event such matters fall beyond the scope of the prior approval process to which this appeal relates.

Conditions

22. Any planning permission granted for telecommunications apparatus 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 communications purposes and the land restored to its condition before the development took place.

Conclusion

23. For the reasons given above, the appeal should be allowed and prior approval should be granted.

Elaine Moulton

INSPECTOR