



Appeal Decision

Site visit made on 6 June 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/J4423/W/22/3309758

Junction with Carter Knowle Road, Montrose Road, Sheffield S7 2EF

- 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 MBNL against the decision of Sheffield City Council.
 - The application Ref 22/03063/TEL, dated 18 August 2022, was refused by notice dated 7 October 2022.
 - The development proposed is described as 'proposed upgrade to EE/H3G 1No. 11.79m High Argus NNOX310R Tri-Sector Antenna on root foundation. Proposed EE/H3G Phase 7 Monopole complete with Wraparound Cabinet to be installed on root foundation and associated ancillary works'.
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Decision

1. The appeal is dismissed.

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.
5. I have taken the address of the appeal site from the Council's decision notice rather than the application form as it is a more accurate description of the location.
6. It has been suggested that the proposed cabinets do not require prior approval. Nevertheless, they are shown on the submitted plans and included in the description of development. Therefore, I have considered them as part of the appeal scheme.

Main Issues

7. The main issues are:

- the effect of the siting and appearance of the proposal on the character and appearance of the area, and,
- in the event that harm is identified, whether this would be outweighed by other considerations including the need to locate the installation on the appeal site having regard to the potential availability of alternative sites.

Reasons

Character and appearance

8. The appeal site is part of a grassed verge adjoining Montrose Road, close to its junction with Carter Knowle Road, which is mirrored by a similar grassed verge at the junction on the other side of Montrose Road. It is in a predominantly residential area. A two-storey public house is located to the rear of the site, with a parade of single storey commercial units to the side and a further single storey commercial unit on the opposite corner. There is a slender monopole adjacent to the appeal site, 11.79 metres in height. A further monopole of a broadly similar height but greater bulk is sited on Montrose Road on the opposite side of the junction. Regularly spaced lamp posts along Montrose Road and Carter Knowle Road create a regular rhythm within the street.
9. Due to the topography of the area, the appeal site is in a prominent and elevated position. Given the width of the junction and its associated visibility splays there is a significant degree of openness around the appeal site. As a result, the proposed monopole would be highly visible in the street scene, with views of it for a significant distance along both Montrose Road and Carter Knowle Road.
10. The proposed 20 metre monopole would be substantially taller than the nearby lampposts, other street furniture and trees. It would also be of a greater height than the predominantly single and two-storey buildings in the vicinity of the site. This contrast would be conspicuous and would be particularly striking where the monopole would be seen from the lower ground levels on Montrose Road and parts of Carter Knowle Road. The significant bulk of the proposed monopole would give further emphasis to its height above neighbouring structures, exacerbating the considerable and detrimental visual impact.
11. Consequently, the proposed monopole would be an incongruous feature, even in a street scene which currently contains two monopoles, one of which will remain. It would be visually intrusive, and it would dominate its surroundings.
12. The proposed equipment cabinets would be of modest size and extent. However, given that they would be additional to the three existing cabinets that would remain within the same grass verge adjoining the site, they would lead to an undue proliferation of street furniture leading to a visually cluttered street scene. Whilst the colour of the equipment could be varied, this would not adequately mitigate the adverse visual impact arising from the design, height, and siting of the proposal.

13. The site is not located close to residential properties and the proposal would not impact on the historic environment or other sensitive receptors. However, these are neutral factors that do not outweigh the harm that I have found.
14. For the above reasons, I conclude that the siting and appearance of the proposal would harm the character and appearance of the area. Insofar as they are relevant to siting and appearance, the proposal would conflict with Policy CS74 of the Sheffield Development Framework Core Strategy (2009) and saved Policies H14 and BE14 of the Sheffield Unitary Development Plan (UDP). These policies require, amongst other things, that proposals are sited and designed to minimise visual impact, to be well designed and respect and enhance the local distinctiveness of its context. The proposal would also be contrary to paragraphs 115 and 130 of the Framework, which seek to ensure that telecommunications equipment is sympathetically designed and sympathetic to the built environment.

Whether any harm is outweighed by other considerations

15. The appellant considers that by upgrading the current equipment, on a site that the Council considered to be the most appropriate when approving it, the most sequential preferable option has been advanced. The appeal site is near to, and the proposal would replace, an existing installation and in that regard, it could be considered as utilising an existing base station. Nevertheless, it would be new in the sense that a markedly different scale of installation is now sought. I acknowledge that as a general principle, upgrading an existing installation could be preferable to finding a totally new site. However, it is not demonstrably the best solution in this case for the reasons discussed.
16. The proposed installation would replace the existing mast and it would need to operate within an existing network. This will limit the geographical area within which the equipment can be sited. Based upon my observations of the surroundings, it seems likely that alternative sites would be in a predominantly residential area. However, neither a cell coverage map nor an assessment of any alternative sites have been provided with the appeal. There is little before me to suggest that there are no alternative solutions or realistic alternative sites, including those in less prominent positions and that would not lead to visual clutter, would not provide a realistic alternative. Consequently, it has not been robustly demonstrated that the appeal site represents the least harmful option available to meet the additional coverage and capacity requirements, and so secure the same public benefits.
17. The Framework indicates that planning decisions should support the expansion of electronic communications networks. The proposal is required to improve digital coverage within the area and to facilitate 5G coverage. I attach positive weight to these benefits. However, the overall harm caused in respect of the character and appearance of the area is significant and the benefits of the proposal and other considerations do not outweigh this harm.
18. Accordingly, I am unable to conclude that there would be no preferable alternative option to deliver the required coverage, and social and economic benefits. As such, insofar as they are relevant to siting and appearance, the proposal would not meet the objectives of saved UDP Policy BE14 and paragraphs 115 and 117 of the Framework that subject to operational considerations, telecommunications development is sited and designed so as to minimise its visual impact.

Other Matters

19. While the Council did not respond to the appellants' consultation at the pre-application stage, this is not a matter that weighs in favour of the scheme.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR