



Appeal Decision

Site visit made on 23 April 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th June 2024

Appeal Ref: APP/J4423/W/23/3328240

Park Lane Street Works, Park Lane, Sheffield S10 2DR

- 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 CK Hutchison Networks (UK) Ltd against the decision of Sheffield City Council.
 - The application Ref is 23/00459/TEL.
 - The development proposed is 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

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. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan, related guidance 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 Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area including the Broomhall Conservation Area and the adjacent listed buildings, 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 including existing structures and buildings.

Reasons

Character and appearance

5. The appeal site is located in the Broomhall Conservation Area (CA) which is characterised by large Victorian houses within spacious grounds, mature trees and stone wall boundary treatments. There are several buildings of townscape merit within the CA , along with a number of listed buildings. The buildings, street trees and boundary treatments give a verdant and quiet character to the area which makes a positive contribution to the CA and the setting of the listed buildings.
6. The proposed mast would be located close to the corner of Park Road with Broomhill Road. There is existing low level street furniture including a cabinet and bollards as well as a lamp post. Although there are several mature trees in the gardens of the nearby dwellings, the proposed mast would be taller than these and they would only provide limited screening in the winter months.
7. Whilst the mast would be a slim design and at 15 metres would be the lowest mast required to provide the necessary 5G coverage, it would contrast with the traditional character of the area and harm the significance of the CA. Due to its height it would higher than the nearby trees and would also be visible from the nearby listed buildings. The utilitarian design would be an incongruous addition to the street scene that would affect their setting.
8. The siting and appearance of the proposed mast would result in harm to the character and appearance of the area, including the CA and the setting of nearby listed buildings. It would conflict with Policies BE5, BE14, BE15, BE16, BE17, BE19 and H14 of the Sheffield Unitary Development Plan and Policy CS74 of the Sheffield Core Strategy which together amongst other matters seek to ensure that telecommunication developments are sited and designed to minimise visual impact and for developments in conservation areas to preserve or enhance the character or appearance of that area. It would also conflict with the Framework.
9. The harm to the CA and setting of listed buildings would be less than substantial. Paragraph 208 of the Framework requires decision makers to weigh any less than substantial harm against the public benefits of the scheme.
10. Telecommunications infrastructure is necessary to provide modern and high speed communication and can therefore be considered a public benefit, particularly in urban locations. It is also supported by the Framework and the Government.
11. I note that the scale of the development is the minimum size required to deliver the relevant coverage and that there would be significant economic and social benefits to the installation.
12. These public benefits attract significant weight but do not outweigh the harm that would arise to the CA and setting of listed buildings to which attract great weight in line with the requirements of paragraph 205 of the Framework.

Alternative Sites

13. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-

being and in this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposed mast would provide 5G coverage and a number of potential benefits have been set out by the appellant. Reference has also been made to a number of Government documents that set out the importance of high speed digital communications infrastructure.

14. The appellant has undertaken an exercise to assess alternative sites. The appellant identified that during this process, no mast sharing or existing building structures were identified and therefore, new base stations were identified as being required. However, the Council have suggested that there are opportunities for nearby buildings to be used. I do not have any evidence to counter the Council's view that these buildings may be suitable for the installation of a rooftop mast. The options presented by the appellant and the reasons as to why these were discounted have not been thoroughly explained. These options are discounted due to the proximity of residential development, unsuitable pavements and visibility splay issues.
15. For the reasons given, I cannot be certain that other suitable alternative sites have been fully and robustly considered. Accordingly, on the information before me, the need for the installation to be sited as proposed, taking into account any suitable alternatives, does not outweigh the identified harm that would occur to the character and appearance of the area due to the siting and appearance of the proposal.

Other Matters

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.

Conclusion

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

H Senior

INSPECTOR