



Appeal Decision

Site visit made on 21 November 2023

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th December 2023

Appeal Ref: APP/J4423/W/23/3322775

Land at junction with Machon Bank Road and Moncrieffe Road, Sheffield S7 1PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr Cameron Wilson (CK Hutchison Networks (UK) Limited) against the decision of Sheffield City Council.
 - The application Ref 22/03717/TEL, dated 10 October 2022, was refused by notice dated 2 December 2022.
 - The development proposed is a 5G 20m telecoms installation: H3G street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have utilised the address from the decision notice, as this more accurately describes the location of the appeal site than the address provided on the application form.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination has been made on this basis.
4. The principle of development is established by the GPDO and the provisions of the Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have, though, had regard to the policies of the Sheffield Unitary Development Plan (UDP), the Sheffield Development Framework Core Strategy (Core Strategy) as well as the National Planning Policy Framework (Framework) insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on (i) the character and appearance of the area, including the effect on the Nether Edge Conservation Area; and (ii) 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

6. The appeal site is situated in the Nether Edge Conservation Area (CA) which contains buildings from the Victorian and Edwardian periods. As well as differences in the style and scale of buildings, there is variance in their setback, with some being positioned in an elevated position from the road level. This built form, as well as the presence of street trees and boundary vegetation, combine to provide a leafy, traditional character that makes a positive contribution to the CA.
7. The proposed mast would be situated in the vicinity of other street furniture items, but these are mainly low-level items such as planters, benches and bins. Although there are taller buildings nearby, the proposed mast at 20m would be noticeably taller than these. There are existing trees and vegetation in the vicinity of the site, but the tallest of these only extend to a height of around 10m and would, in any event, provide limited screening in winter months. Given all of these factors, and the siting of the proposed mast close to a four way junction, it would appear as an overly prominent, obtrusive feature.
8. The appellant has made reference to the slimline design of the mast and the opportunity to select a colour, but these factors would not mitigate the visual impact of the proposal given its height and siting. Rather, the simplistic design of the mast would contrast with the traditional appearance of the surrounding buildings and harm the significance of the CA.
9. The proposed cabinets would be situated close to each other and have a utilitarian appearance when compared to the ornate street barriers. They are however of a limited height and given the presence of a variety of other street furniture items nearby, I do not consider these would be visually harmful.
10. On this issue, for the reasons set out, I conclude that the siting and appearance of the proposed installation would result in significant harm to the character and appearance of the area, and it would not preserve the character and appearance of the CA. As such, the proposal would conflict with, insofar as they are material considerations, paragraphs 115 and 199 of the Framework, UDP Policies BE14, BE15, BE16, BE17 and H14 and Core Strategy Policy CS 74 which seek, amongst other matters, telecommunication developments being sited and designed to minimise visual impact and for developments in conservation areas to preserve or enhance the character or appearance of that area. Reference has been made to Policies BE5 and BE19 of the UDP in the decision notice, but these relate specifically to buildings and development affecting listed buildings.
11. The Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal which are considered below.

Need

12. 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 to

enable everyone to benefit from the same level of access to high quality communications. The proposed mast would provide 5G coverage, which require base stations to be in close proximity to the area they serve. A number of benefits have been set out by the appellant including meeting the needs of businesses and communities in an area where there is a gap in 5G coverage. Reference has also been made to a Government letter that details the importance of high-speed digital communications infrastructure.

13. The appellant has set out that the sequential approach was followed in considering mast and site sharing, existing buildings or structures before ground based installations, but no such opportunities were identified. I have not however been provided with details of which mast/sharing opportunities or existing buildings/structures were considered in the desktop survey or the physical inspection of the area that is said to have been undertaken. The appellant's alternative site assessment relates solely to a new ground-based installation where a number of alternative sites were considered and discounted for various reasons. Given that there may be other sites such as existing buildings or structures that could accommodate the proposal, I find that the appeal development has failed to demonstrate adherence to the sequential approach.
14. I appreciate the need for this installation is to provide robust, reliable and efficient digital communications in the area and that a mast at 20m high is the lowest required to provide improved 5G service. It would bring a modern, high-speed communications service and this weighs in favour of the appeal. The proposal would, however, for the reasons set out above, be harmful to the character and appearance of the area and it would fail to preserve the character and appearance of the CA. On the evidence before me, I am not convinced that less harmful alternatives have been properly explored and it is my overall view that the need for the proposal does not in this case, outweigh the harm.

Other Matters

15. The proposal would not have a detrimental impact on residential amenity or pedestrians using the pavement. These are however neutral matters and not ones which weigh in favour of the proposal.
16. The appellant sought pre-application discussions with the Council, but this appeal follows the Council's formal decision, and I can confirm that I have assessed the development accordingly, on both its merits and impacts.

Conclusion

17. The proposal would provide 5G coverage and I have had regard to the public benefits that this would provide to businesses and residents in the area. The economic and social benefits weigh significantly in the scheme's favour.
18. The proposal would however harm the character and appearance of the area and it would result in less than substantial harm to the character and appearance of the CA. The Framework states that great weight should be given to an asset's conservation. Consequently, I do not consider that the public benefits that would arise from the proposal would outweigh the harm that would be caused to the heritage asset.

19. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR