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# Appeal Decision

Site visit made on 4 October 2016

**by Alexander Walker MPlan MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 03 November 2016**

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**Appeal Ref: APP/A5840/W/16/3154032**

**Salter Road, London SE16 5LT**

- 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.
  - The appeal is made by Vodafone against the decision of the Council of the London Borough of Southwark.
  - The application Ref 16/AP/0435, dated 31 January 2016, was refused by notice dated 23 March 2016.
  - The development proposed is the installation of 15m Jupiter Dual Stack Telecommunications Streetpole and associated ancillary development.
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## Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 for the siting and appearance of a 15m Jupiter Dual Stack Telecommunications Streetpole and associated ancillary development at land at Salter Road, London SE16 5LT in accordance with the terms of the application Ref 16/AP/0435, dated 31 January 2016, and the plans submitted with it.

## Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

3. Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO) states that development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of (amongst others): the installation, alteration or replacement of any electronic communications apparatus; and development ancillary to radio equipment housing, is permitted development subject to conditions. The Council raise no objection on the basis that the proposal is not development described in Schedule 2, Part 16, Class A.
  4. Class A.3(3) of the GPDO goes on to state that the developer must apply to the local planning authority for a determination as to whether the prior approval of
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the authority will be required as to the siting and appearance of the development.

5. The appeal site is located along the east side of Salter Road. This stretch of the road is lined on either side by trees and has wide grass verges and pavements, overall creating an open character to the area. The trees are a similar height to the streetlights that line the east side of the Road. There is an existing telecommunications mast and associated cabinets also on the east side, further north but within proximity of the appeal site.
6. On approach to the site along Salter Road, the proposal would be readily visible. However, the proposal would be slim line in its appearance and would be read against the backdrop of the trees. Whilst it would be slightly higher than the existing street lights, nearby mast and trees, it would be set away from the surrounding buildings and would be within the general area of the highway. Overall, its form and design would not appear unacceptably prominent or incongruous in the street scene.
7. The Council's main concern is the cumulative cluttering effect the mast and associated cabinets would have with the existing nearby mast and cabinets. I note that a similar proposal was dismissed at appeal in 2006<sup>1</sup>. The Council refer to the previous Inspector's comments regarding the negative impact of the equipment on the area, which the proposal at the time included for smaller and fewer cabinets. However, no specific details regarding the siting of the proposal are before me to make any direct comparison with the current proposal.
8. The siting of the proposal would follow the existing pattern of development of the nearby structures by being positioned on the grass verge, set back slightly from the road. Whilst there is a proliferation of similar structures within the vicinity of the site, I do not find that the addition of the proposal would result in any significant harm to the overall character and appearance of the area. Although it would be within proximity of the existing mast and cabinets, there would be sufficient spacing between them to ensure that they are read as two separate developments. Therefore, it would not result in any significant visual clutter that would be detrimental to the character and appearance of the area.
9. I have had regard to the appellant's submission in respect of their site selection process and the reasons as to why the existing mast and equipment cannot be utilised. The evidence is sufficiently detailed, covers a wide catchment and the reasons for discounting other sites appear to be reasonable. The Council has not raised any objection to this evidence and there is no suggestion of any alternative sites. I see no reason to disagree with this view. Accordingly, I have attributed this matter moderate weight.
10. I find therefore that the proposal would not significantly harm the character and appearance of the area. As such, it would comply with Strategic Policy 12 of the Southwark Core Strategy 2011 and saved Policies 3.2, 3.12, 3.13 and 3.24 of the Southwark Unitary Development Plan (UDP) 2007, which, amongst other matters, seek to ensure that development is of the highest possible standard and that telecommunications development does not have an unacceptable appearance by virtue of its siting or design. In addition, it would also comply with Policies 7.4, 7.5 and 7.6 of the London Plan 2015, which seek

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<sup>1</sup> Appeal Ref A/06/2014217/NWF

to ensure that development has regard to the character and appearance of the area and is of the highest quality design. Furthermore, it would accord with the design objectives of the National Planning Policy Framework.

### **Conclusion**

11. The Council has not suggested any conditions to be imposed in the event that I allow the appeal. Accordingly, I find no reason to impose any conditions in addition to the standard conditions imposed by Part 16 of the GPDO.
12. For the reasons given above, I find that the proposal is permitted development under Part 16 of the GPDO and as such, having considered all matters raised, the appeal is allowed and approval granted.

*Alexander Walker*

INSPECTOR