

Appeal Decision

Site visit made on 6 February 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 24 February 2017

Appeal Ref: APP/H5960/W/16/3163832

Tooting Bec Railway Embankment, Off Cavendish Road, Streatham, London

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cornerstone Telecommunications Infrastructure Limited (CTIL) and Vodafone Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/2502, dated 2 May 2016, was refused by notice dated 29 July 2016.
 - The development proposed is installation of a 16.6m high monopole with 6No Antennae; 1No 0.6m transmission dish and 2No 0.3m transmission dishes (overall height 18.2 metres); 3No equipment cabinets; 1No meter cabinet, access steps and ancillary development within a compound surrounded by a 2.1m high palisade fence.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have omitted the phrase "on Tooting Bec Railway Embankment" from the description of development given in the banner heading above as the proposed development's location is clear from the address.

Main Issues

3. The appeal site is within designated Metropolitan Open Land (MOL). Consequently, I consider the main issues in this appeal to be firstly, whether the proposed development would constitute inappropriate development for the purposes of the development plan; secondly, the effect of the proposed development on the openness of the MOL; thirdly, the effect of the proposed development on the character and appearance of the area; and fourthly, if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Site, surroundings and proposal

4. Situated on the railway embankment that runs through Tooting Bec Common, and adjacent to the buttress for the bridge, the appeal site is sloping and currently open in character including a considerable number of shrubs and
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mature trees, which taken together contribute to the leafy and open aspect of the margin of the Common, and soften the visual effects of the railway line. A palisade fence of around 2m in height runs along the boundary of the embankment, with a taller access gate close to the railway bridge buttress. The appeal site is separated from Emmanuel Road and its rows of dwellings by the open space of the Common. Across the railway, there is a children's playground and footpaths, and beyond that the open lands of the Common. Across the railway bridge on the opposite side of the embankment electricity substations, site compounds and a telecommunications mast impart a harder more engineered character in combination with the railway lines and the dwellings that back onto them. The proposed development is as described above.

Whether or not inappropriate development

5. Tooting Bec Common, and the railway embankments within it are designated as MOL by the Wandsworth Core Strategy (adopted March 2016) (the Core Strategy). Policy 7.17 of The London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011 (adopted March 2016) (the London Plan) seeks to protect MOL from development that would have an adverse impact on its openness. It states that the strongest protection should be given to MOL and inappropriate development should be refused except in very special circumstances. The London Plan applies the Green Belt provisions of the National Planning Policy Framework (the Framework) to MOL. Policy DMO1 of Wandsworth's Development Management Policies Document (adopted March 2016) (the DMPD) also seeks to ensure that MOL is protected from inappropriate development.
6. Consequently, the development plan establishes that, with limited exceptions, new buildings¹ are to be considered inappropriate in MOL. Whilst there are exceptions to this general restriction, the proposed development is not of a type covered by these exceptions. As a result, the appeal scheme would comprise inappropriate development for the purposes of the development plan. I note also that the appellants do not contest the proposed development's inappropriateness in this respect.

Openness

7. For the purposes of MOL the concept of openness goes beyond the visual effects of a proposed development and also encompasses its spatial effects. The concept of openness in MOL terms means that on the whole land within its boundaries should remain free from development. The appeal scheme would introduce a considerable amount of additional development, including the mast, its concrete base with piled foundations, related cabinets, steps and boundary treatments onto a site that currently blends with the openness of its surroundings, and is a buffer between the wider common and the hard engineering of the railway track. Taken together, structures and engineering involved in the proposed development would constitute a substantial depletion of the openness of the site which would be of considerable harm to the MOL.

¹ Section 336 of the Town and Country Planning Act 1990 establishes that the term "building" "includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building"

Character and appearance

8. The proposed mast would be considerably taller than the adjacent railway bridge structure, and its antennae would be visible above the nearby tree lines. Whilst I saw vertical structures in the Common to the south of the railway bridge, including lamp-posts, these are not as prominent as the proposed mast, and the conspicuous array at its top, which due to the excessive height would impinge into a skyline otherwise broken only by mature trees, and as a consequence read as an incongruous and intrusive structure. I note that the proposed mast would be the thinnest available for an installation of this kind and its scale is of an operational minimum, I also am aware that due to technical constraints it is not always possible to design a mast that would replicate the height and aesthetic of existing linear features. However, these considerations do not alter my view regarding the proposed development's discordant relationship with its surroundings.
9. Whilst the proposed development would be screened to some extent by existing trees, it would not be so to an extent which softened its incongruity to any material degree, which would be particularly sharply defined when the trees are not in leaf. For these reasons too, the proposed mast would be more incongruous than the mast on the opposite side of Cavendish Road which is more clearly related to development both of a residential character and connected to the railway, and thus less directly related to the softer and more verdant margins of the Common.
10. The proposed development's incongruity in this respect would be exacerbated by the related cabinets, boundary structures and steps that would all have an urbanising and insensitive effect on this otherwise relatively soft margin of the Common. Consequently, the proposed development's incongruity and insensitivity in these regards would not be mitigated to any significant degree by the proposed paint finishes.
11. For the reasons given above, the proposed development would cause significant harm to the character and appearance of the area and consequently, it would conflict with Policy PL4 of the Core Strategy; Policies DMS1 and DMS9 of the DMPD; and the Framework. Taken together, and amongst other matters, these policies seek to ensure that where new telecommunications sites are required they are sympathetically designed and camouflaged where appropriate and avoid significant impacts to the character or appearance of the space in which they are located.

Other Considerations

12. The proposed development would provide enhanced 2G, 3G and 4G coverage and capacity to the surrounding area, and this would weigh in favour of the proposed development to a considerable degree. The proposed development would be shared by two operators, which would comply with the Framework in respect to sharing masts and avoiding their proliferation. This compliance with national policy would weigh in the proposed development's favour to some degree.
13. I note that the appellants conducted a sequential approach to site selection and considered, due to the vegetative screening at the appeal site, that the proposed development would have a less harmful visual effect than alternative sites. I am aware that the Council did not question the site selection process

or suggest alternative sites at the application stage. I am also mindful of the appeal decisions brought to my attention by the appellants in my assessment of this aspect of the scheme²; however, neither of these decisions relate to development within the MOL. I note that other sites were considered for streetworks, but these have been discounted by the appellants due to their potential visual effects and related proliferation of street clutter. Whilst the sequential test is comprehensive, the absence of substantive details of the extent, scale and type of streetworks that could provide coverage and capacity equivalent to that mooted by the appeal scheme inhibits an assessment of any comparative visual effects. Consequently, the sequential approach to site selection is a matter that weighs in favour of the proposed development to a moderate degree.

14. As the appeal site is on a railway embankment inaccessible to the public the proposed development would not impede the function of the adjacent open space to a material degree. However, this is merely evidence of an absence of harm in this respect, as opposed to a tangible benefit of the scheme and thus does not carry any weight in its favour.

Planning Balance

15. The London Plan establishes that inappropriate development on MOL should be refused, except where very special circumstances are demonstrated. This is a high hurdle for a development proposal to overcome. The appeal scheme would be inappropriate development in the MOL; it would deplete the openness of the appeal site to a substantial degree; and it would cause significant harm to the character and appearance of the area. Taken together, I attach substantial weight to these harmful effects of the scheme. The other considerations advanced in support of the appeal scheme, whilst in some respects considerable, do not individually or cumulatively clearly outweigh the substantial weight attached to the harm to the MOL. As a result, I find that the very special circumstances sufficient to justify the proposed development in planning terms have not been established in this case.
16. The proposed development would thus conflict with Policy 7.17 of the London Plan and Policy DMO1 of the DMPD, which taken together, and amongst other matters seek to ensure that the strongest protection is given to the openness of London's Metropolitan Open Land.

Conclusion

17. The proposed development would conflict with the policies of the development plan. As no material considerations outweigh this conflict, I conclude for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

G J Fort

INSPECTOR

² APP/Y1110/A/08/2062069; APP/Y1110/A/08/2062116