



Appeal Decision

Site visit made on 26 June 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/P5870/W/19/3225955

Footway outside 114 Grove Road, Sutton SM1 2AP

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE Ltd against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2018/02247, dated 18 December 2018, was refused by notice dated 11 February 2019.
 - The development proposed was originally described as: 'The installation of 1No. 15n 'Alpha 8' street pole, 3No. shrouded antennas, 2No. 0.3m dishes, and 3No. ground-based equipment cabinets and ancillary development thereto.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the siting and appearance of the proposed development on the surrounding area, and whether any harm caused would be outweighed by the need to site the installation in this location, having regard to the potential availability of alternative sites.

Reasons

3. The appeal site is located on a road that is lined with mature trees and which is largely free from significant examples of street furniture. The resultant environment is therefore free from visual clutter and the prevailing feature of the road is the mature trees.
4. Despite this, although there are limited examples of street furniture in the road, there is a pay and display parking metre close to the appeal site that is located to the back edge of the footpath. There is also a sign relating to the parking restrictions as well as a lamppost. Furthermore, due to the location of the appeal site close to the railway bridge, the proposal would be sited in a large gap between street trees. The combination of these factors results in a limited cluster of street furniture located in a gap between street trees that is at odds with the prevailing character of the tree-lined road.
5. The proposed monopole and the three ground-based cabinets would be sited close to the kerb edge of the footpath. They would be on the opposite edge of the footpath to the pay and display metre and would be sited between the

lamppost and the parking sign. Due to the proposed siting, the equipment would add to the small cluster of street furniture. Despite the presence of cars parked on the highway, this would increase the prominence and presence of the street furniture, and in doing so, would create a visually congested and cluttered footpath that would have a demonstrably harmful effect on the character of the area.

6. The proposed monopole would also be significantly taller than the nearby lamppost. In this respect, its appearance would be at odds with the height of other items of street furniture. Although there are tall trees that line the road, the monopole would be a considerable distance from the nearest street tree. The street trees would therefore not soften or mitigate the effect of the height of the proposed monopole.
7. There are also some significant trees and mature landscaping behind the footpath. This may reduce views of the pole from the adjacent railway line, but due to its separation from the monopole when viewed from the street, it would also not reduce the presence of the proposal from within the road.
8. The proposal would be designed to provide coverage to the adjacent railway line. As a consequence, the height and siting of the apparatus is specifically driven by the technical and operational needs of the appellant, including the curved nature of the railway in this location. The need to provide more infrastructure to supply current and future demands is not in dispute. Moreover, the specific need for this mast to improve coverage for railway users is also not disputed. However, although the proposal has been designed to have the lowest possible impact, for the reasons identified above, I conclude that the siting and appearance of the proposal would harm the surrounding area.
9. Consequently, the proposed siting and appearance would be contrary to Policies 23 and 28 of the Sutton Local Plan (2018) which taken together, seek amongst other things, telecommunications development that is not intrusive in the street and which is of a height, scale and appearance which respects the local context and does not unduly detract from the character of the area.
10. The appellant has provided details of 20 alternative sites that have been considered for the proposed equipment. Of these sites, eight¹ have been discounted because they would not provide suitable coverage. In addition, five other sites² have been discounted due to specific site constraints in relation to footpath width, the location of existing utilities in the ground, and the proximity to an existing base station. Based on the evidence before me, and my observations on site, I am satisfied with these conclusions.
11. However, sites D, E, and F have been discounted due to the suggestion that the proposal would encroach on the visibility splay of the nearby junctions. They have therefore not been progressed due to perceived public safety concerns. Despite this, no evidence has been provided in relation to the effect on visibility. Consequently, I cannot be certain that these alternative locations would not be acceptable.
12. In addition, Site G has been discounted because the existing rooftop would be too low to allow for a sensitive design to provide the relevant coverage. An

¹ Sites A, C, K, M, P, Q, R and T as described in the Appellant's Statement of Case

² Sites B, I, J, L, and O

- assumption is also made in relation to the structural capabilities of the existing roof to support the necessary equipment. However, no evidence has been provided to support this matter.
13. Site H would be for a proposed lamp post swap, but it is suggested that due to the style of the column, it would be unsuitable. Despite this, the matter has not been substantiated with any evidence.
 14. Site N has been discounted due to the need for a taller mast than proposed in this application and the effect that this may have on the character and appearance of the area. However, the location of this site is close to taller buildings that are sited close to a busier road junction. As a consequence, it exhibits a materially different character and appearance to the appeal site and would therefore require a different assessment as to the acceptability of the proposal. No such assessment has been submitted as part of the appeal and consequently, I have no specific evidence before me to confirm that this alternative location would be unacceptable.
 15. Finally, Site S has been discounted due to the lack of a viable rooftop access as well as the height of the building not being able to provide the necessary coverage using a visually sensitive and structurally capable design. However, specific evidence to support this has not been provided.
 16. The need for the mast is not disputed, and this weighs in favour of allowing the appeal. Furthermore, it is acknowledged that the Framework supports the expansion of electronic communication networks due to the positive effect they have on economic growth and social well-being. However, for the reasons identified above, the siting and appearance of the proposal would harm the surrounding area.
 17. In that respect, the proposal would be in clear conflict with the development plan and based on the evidence that I have before me, I cannot rule out the possibility that less harmful alternative sites would address the Council's concerns. This is despite the extensive number of sites that have been considered. Consequently, my overall conclusion is that the need for the installation does not outweigh the identified harm.
 18. Accordingly, the appeal should be dismissed.

Martin Chandler

INSPECTOR