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# Appeal Decision

Site visit made on 4 November 2019

**by Andrew Bremford BSc (Hons) MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 November 2019**

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**Appeal Ref: APP/A5840/W/19/3235856**

**Consort Road DNS, Consort Road, Southwark, London SE15 3SB**

- 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 EE Ltd & Hutchinson 3G UK Ltd against the decision of the Council of the London Borough of Southwark.
  - The application Ref 19/AP/1476, dated 13 May 2019, was refused by notice dated 5 July 2019.
  - The development proposed is described as 'phase 7 monopole c/w wraparound cabinet at base and associated works'.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal upon (i) the character and appearance of the area; and (ii) the setting of the Nunhead Green Conservation Area.

## Reasons

### *Character and appearance*

3. The proposed 20 metre high monopole and associated ground level cabinets, designed to facilitate 3G, 4G and 5G ready sharing services, would be sited on the pavement on the west side of Consort Road close to No 282 Consort Road and near to the junction with Scylla Road. They would replace the existing 9.7m high pole and all but one of the existing cabinets.
4. I note that the Council's refusal notice makes no reference to the proposed ground base cabinets but to the monopole only. In this regard, I acknowledge that the base cabinets are low level and located to the rear edge of the pavement to facilitate pedestrian access for all. Accordingly, I have no reason to form a different view.
5. There is a variation in the architectural style of buildings in the vicinity of the site, however the defining characteristic is that of low-rise predominantly residential development. The vertical features within the street-scene include street lights, road signs and some mature trees although these are somewhat dispersed along the street.
6. Within these surroundings, the proposed monopole would extend to more than twice the height of the roof of No 282. It would be considerably taller and

wider in diameter than the street lights closest to it on Consort Road. Thus, would not be similar in vertical appearance to street lighting columns or any other local structures. As a result, the proposed monopole would be an incongruously tall feature and jarring addition to the street-scene; its sheer scale would dominate the low-rise built form of the area.

7. For the reasons outlined above, the proposal would have an adverse impact upon the street-scene. Therefore, it would be harmful to the character and appearance of the area. Consequently, it would not accord with Policies 7.4 and 7.5 of the London Plan 2016 (LP); Policy 12 of the Southwark Core Strategy 2011 (CS); Policies 3.13 and 3.24 of the Southwark Plan 2007 (SP), and the National Planning Policy Framework (the Framework) which, amongst other things, seek to ensure that the design of proposals have an acceptable appearance and respect the character of existing development in the surrounding area.

#### *Setting of the Conservation Area*

8. The site is located just outside the Nunhead Green Conservation Area (CA). However, it is enclosed on three sides by the boundaries of the CA. A Conservation Area appraisal for the CA has not been submitted to me but from my site visit and the evidence before me, I consider that the significance of the CA derives, in part, from the extensive preservation of the 19<sup>th</sup> and early 20<sup>th</sup> century appearance with the built environment being largely two-storey terraced housing.
9. I acknowledge the proposal is located on the side of the road close to the New James Court housing estate and as such, in some local views, would be seen within the context of this estate, which is not within the CA. However, Consort Road is a straight road and forms part of the boundary of the CA. As a result of its significant scale and location, the proposed monopole would be conspicuous in the skyline when viewed from the surrounding area, and especially evident in views from the north and south along Consort Road. It would be a prominent and inharmonious feature that would draw the eye and relate poorly to the historic built environment of the CA.
10. Accordingly, the development would have an unacceptable effect on the setting of the CA. Paragraph 193 of the Framework is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
11. In light of this and my findings above the proposal would not accord with Policy 7.8 of the LP; Policy 12 of the CS; Policies 3.18 and 3.24 of the SP, and the Framework which, amongst other things, seek to ensure that development affecting the setting of a heritage asset conserve their significance by being sympathetic to their scale and not have any adverse impact on Conservation Areas regardless of whether or not the development is within a Conservation Area.
12. The proposal would have a detrimental effect on the significance of the designated heritage asset. In respect of paragraph 196 of the Framework, the harm to the CA would be 'less than substantial'. The Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal. I return to this below.

### **Other Considerations**

13. Paragraph 112 of the Framework is clear that planning decisions should support the expansion of electronic communications networks. I have no reason to question the appellant's contention that the proposal is required to give coverage and capacity to the wider area. I also recognise the proposed installation has been designed to be shared between 2 operators and would be available to the Emergency Services Network (ESN). These factors weigh in the proposal's favour.
14. Moreover, the Framework sets out that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development, including, for a new installation evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored.
15. The appellant contends that there are no shareable structures or roof tops high enough in the area and thus has followed the sequential site selection process and only proposed a new installation once this process has been exhausted. Furthermore, if the monopole were to be lower than that proposed there would be significantly limited coverage and the level of service would be compromised. I have had regard to the appellant's Site Specific Supplementary Information. However, I have no compelling evidence before me to explain which alternative sites were considered for the proposed infrastructure and why they were rejected. Nor, any information about the network coverage and the gaps in the network coverage that the proposal seeks to address.
16. Whilst I acknowledge the appellant's point that the location of the proposed installation is to provide coverage of the SE15 area, on the evidence before me, I cannot rule out the possibility that an alternative site could yet be found for the proposed infrastructure.
17. Additionally, whilst I recognise that the improved network coverage would be available for ESN use, it would largely benefit the customers of those companies sharing the monopole rather than the wider public. Although guidance in the Framework supports the growth of communications infrastructure, it also places great emphasis on conserving the historic environment.

### **Planning balance and conclusion**

18. Taking into account the above points, I consider the public benefits of the proposal would not be sufficient in this case to outweigh the harm that would be caused to the historic environment.
19. In conclusion, for the reasons given above the proposal would cause harm to the character and appearance of the area and the public benefits of the proposal would not outweigh the harm to the heritage asset.
20. For these reasons, I conclude that the appeal should be dismissed.

*Andrew Bremford*

INSPECTOR