



Appeal Decision

Site visit made on 7 January 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2020

Appeal Ref: APP/A5840/W/19/3239158

Linden Grove DNS, Linden Grove, Southwark, London SE15 3LP

- 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/1890, dated 20 June 2019, was refused by notice dated 20 August 2019.
 - The development proposed is described as: 'Proposed upgrade to existing telecoms site. Proposed 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 issue whether the proposed development would preserve or enhance the character or appearance of the Nunhead Cemetery Conservation Area and the setting of Nunhead Cemetery, a Grade II* Listed Park.

Reasons

3. The appeal site is within the Nunhead Cemetery Conservation Area (the Conservation Area) adjacent to the boundary wall of Nunhead Cemetery, a Grade II* Listed Park. I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, and to have special regard to the desirability of preserving the setting of the cemetery. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).
4. The Conservation Area's significance derives from the cemetery itself which is one of London's historic cemeteries, from the various listed buildings and monuments it contains, and from the view north west from Nunhead Hill to St Paul's Cathedral with Highgate Cemetery beyond. The cemetery itself was designed with sweeping paths, classical lodges and entrance gates, and dense boundary planting. As well as being a Listed Historic Park in its own right, the mature trees and boundary walls also frame and enclose the various Listed Buildings, including memorials, within the cemetery.

5. The houses across the road from the appeal site are a single storey high, and their lack of height is emphasised by the fall of the land to the north west. The brick piers of the cemetery boundary wall are a prominent vertical feature on Linden Grove, along with street lights and the existing monopole communications mast. There are also a number of street trees, although these are somewhat dispersed and tend to fade into the rather more verdant backdrop of the mature trees growing within the cemetery.
6. The proposal is to erect a 20m high monopole telecommunications mast and associated ground level cabinets, designed to facilitate 5G mobile telecommunications coverage in the area. The principle of using the site for a communications mast has previously been established, with a 9.7m high pole and a number of cabinets currently on the site. The existing pole and all but one of the existing cabinets would be replaced under this proposal.
7. Although the proposed monopole is described as 'slim line' and having been designed to remain as discreet as physically possible, it would be more than twice as tall as the existing pole and, from the information before me, of a somewhat greater diameter than the current mast and the street lights. It would be different in its appearance and scale to any of the other built features nearby, and it would also be considerably taller than the adjoining mature trees within the cemetery. As a result, it would be an incongruous and prominent feature, which would be a jarring addition to the street scene and would dominate the wider area.
8. Linden Grove forms one of the boundaries of the Conservation Area, and also has the north western boundary wall and railings of the cemetery running along much of its length. While I accept that the existing mast on the site is also visible for some distance along Linden Grove, its smaller size means that it is less dominant than its proposed replacement would be. The monopole would be very visible travelling north east or south west along much of Linden Grove, and its significant diameter and height would draw the eye. It would also be visible against the wooded backdrop of the cemetery from some of the houses and streets to the north west. Its size and dominance would make it an unsympathetic and inharmonious feature even compared to the existing mast at the site, which would relate poorly to the historic environment of the Conservation Area in general, and to the adjacent Listed cemetery in particular.
9. Although the appellant has suggested that the proposed monopole could be painted, given its size and sensitive location I am not persuaded that this would markedly reduce its prominence. Accordingly, I consider that the monopole would not preserve or enhance the character and appearance of the Conservation Area, nor would it preserve the setting of the Grade II* Listed Park. In terms of the Framework the harm to the significance of the Conservation Area and Listed Park as designated heritage assets is less than substantial.
10. Paragraph 112 of the Framework advises that planning decisions should support the expansion of electronic communications networks. I accept that the proposal is intended to give increased coverage and capacity in the wider area. I also recognise that the proposed installation would be shared between two operators, and would be available to the Emergency Services Network. These points carry significant weight in favour of the proposal.

11. The proposal would upgrade an existing base station, and the appellant indicates that, as a consequence of this being the most sequentially preferable option, other new facilities have not been investigated. In general, it is likely to be preferable to upgrade an existing base station, and this approach is supported by Chapter 10 of the Framework. However, given the sensitive location of the appeal site, and the effects of the proposal on both the Conservation Area and the Listed Park, it is important that other options which could lead to a more sensitive solution are considered fully.
12. The appellant contends that there are no alternative installations which could be upgraded nearby, and that the installation of a lower monopole would neither provide adequate coverage nor comply with International Commission on Non-Ionizing Radiation Protection guidelines. However, although I have had regard to the Site-Specific Supplementary Information provided, there is no compelling evidence before me to explain the extent to which less intrusive alternatives were considered. I therefore cannot rule out the possibility that such an alternative exists and the Framework, which must be read as a whole, indicates that great weight should be given to the conservation of heritage assets. Given this I consider that, although there are public benefits arising from the expansion of electronic telecommunications network coverage, these are insufficient to outweigh the harm to the Conservation Area and Listed Park which I have identified.
13. The proposal therefore conflicts with Saved Policies 3.2, 3.12, 3.13, 3.18 and 3.24 of the 2007 Southwark Local Plan, which among other things seek to ensure that developments do not have adverse effects on the setting of heritage assets, and conserve their significance by being sympathetic to their scale. For the same reasons, the proposal conflicts with the provisions of the Framework which seek to conserve and enhance the historic environment.

Conclusion

14. For the reasons given above the appeal is dismissed.

M Cryan

Inspector