



Appeal Decision

Site visit made on 6 October 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/P5870/W/20/3254972

Telecommunications streetworks site, Staplehurst Road, Carshalton, Sutton, London SM5 4JH

- 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 MBNL against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/01838, dated 29 October 2019, was refused by notice dated 2 March 2020.
 - The development proposed is the installation of a 20m monopole, 12 no. antenna apertures, 8 equipment cabinets, alongside the removal of the existing 12m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a 20m monopole, 12 no. antenna apertures, 8 equipment cabinets, alongside the removal of the existing 12m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto at Telecommunications streetworks site, Staplehurst Road, Carshalton, Sutton, London SM5 4JH in accordance with the terms of the application, Ref DM2019/01838, dated 29 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 Existing Site Plan, 150 Existing Elevation A, 215 Max Configuration Site Plan - Sheet 1, 216 Max Configuration Site Plan - Sheet 2, 265 Max Configuration Elevation - Sheet 1, 266 Max Configuration Elevation - Sheet 2, 002 Site Location Plan.
 - 3) No above ground development shall commence until details of the external finishes of the equipment hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) Within 3 months of the final commissioning of the approved mast and ground-based equipment, the mast and ground-based equipment located on the corner of Woodmansterne Road and Stanley Park Road shall be decommissioned and removed and the site reinstated to its previous condition.

Main Issue

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

Reasons

3. The site of the replacement apparatus occupies a grassed verge adjacent to the footway which lies on the northern side of Staplehurst Road, which I observed is a well-trafficked carriageway. The area surrounding the site is characterised by residential development, albeit that dwellings do not have a frontage to this section of the road. There is existing apparatus a short distance from the appeal site, comprising of a monopole and equipment cabinets, which it is intended the proposed equipment will replace.
4. The new pole would be sited close to the road and as a consequence will be readily visible from local vantage points. However, it would be of a relatively slimline design and would be located within an area that is not devoid of other vertical structures, which include trees and street furniture as well as the existing monopole, albeit that they do not rise to the height of the proposed mast. Nonetheless, within its context, whilst the pole and associated equipment would not be wholly alien additions, they would be conspicuous at this location and thus negative visual elements. I am conscious however that the visual appearance of the development would be filtered by the presence of trees and built development in the area, together with the orientation of roads. This would ensure that the proposal would result in only a limited degree of harm.
5. Even so, there would be harm to the character and appearance of the area in conflict with policies 23 and 28 of the London Borough of Sutton Local Plan (2018), insofar as they seek to ensure telecommunication development is not intrusive in the street scene and that development makes a positive contribution to the street scene. There would also be some conflict with paragraph 113 of the National Planning Policy Framework (the Framework), which requires electronic communication equipment to be sympathetically designed, where appropriate.

Planning Balance

6. The proposal would support the delivery of high-quality communications through the upgrading of existing infrastructure to facilitate additional coverage and capacity, including 4G and 5G technology. The Framework sets out that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being, as well as that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Thus, the benefits from improved digital, high-quality communications attract considerable weight.
7. The existing site has been identified as not being suitable for the proposed equipment, principally due to the existing mast not being able to accommodate 5G services due to the extent of underground services. A site as close as possible has therefore been sought. Whilst not comprising the use of the same site, I see merit in the use of a site nearby in order to replace an existing installation. Information has been provided which assesses alternative sites and whilst this is not extensive, I recognise that the removal of the existing site and

its replacement with the appeal proposal is intended to ensure there is no proliferation in the location of masts. I am also conscious that the appellant highlights that the location was chosen in order to ensure optimum coverage.

8. I therefore find that whilst there would be limited harm to the character and appearance of the area, that the benefits that would accrue from the proposal together with that there would be no proliferation in the number of masts, are sufficient to outweigh this harm. Accordingly, I find that material considerations indicate that the appeal should be determined other than in accordance with the development plan in this case.

Conditions

9. The Council has suggested conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance.
10. In the interests of certainty, a condition specifying the approved plans is required. In the interests of the character and appearance of the area, conditions are also required in respect of agreeing the treatments and finishes of the equipment, as well as the removal of the existing equipment at the nearby site.

Conclusion

11. For the reasons given above, I conclude that subject to conditions, the appeal should be allowed.

Martin Allen

INSPECTOR