



Appeal Decision

Site visit made on 20 October 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2020

Appeal Ref: APP/A5840/W/20/3254842

St Mary's Road, Nunhead, London SE15 2DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchinson 3G UK Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 20/AP/1246, dated 29 April 2020, was refused by notice dated 15 June 2020.
 - The development proposed is prior approval notification for the proposed installation of Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO and do not require regard to be had to the development plan. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
4. The Council's decision notice does not allege harm in respect of pedestrian safety and the appearance of the area, even though the Officer's report refers to harm. The appellant has responded to the Council's evidence including in relation to character and appearance of the area. I am therefore satisfied that no prejudice would occur as a result of me taking this into consideration in coming to my decision.

Main Issues

5. The main issues are:

- Whether or not the proposed development satisfies the limitations on height specified within paragraph A.1 of Part 16, Class A of the GPDO; and
- The effect of the proposed development upon the character and appearance of the area.

Reasons

Limitations on the height of the proposed development

6. The proposed development includes a 20m high monopole. The Council's decision notice states that the height would not accord with Part (a) of A.1 of Part 16 of the GPDO, although there is no such part of the current version of the GPDO. There is a restriction on development exceeding 15m in height at Part 16 A.1(1)(a) but this applies to electronic communication apparatus other than a mast.
7. The definition of a mast in this context is set out at paragraph A.4 and based on the evidence before me the monopole would meet this definition.
8. The height limitations relevant to the installation of masts are specified at Part 16 paragraph A.1(1)(c). This states that development is not permitted if the mast, including any antenna, would exceed a height of 25m above ground level on unprotected land; or 20m above ground level on article 2(3) land or land which is on a highway.
9. The appeal site is located on a highway and would not exceed a height of 20m above ground level. I therefore conclude that the proposal would satisfy the limitations set out at paragraph A.1(1)(c) of Part 16, Class A of the GPDO. As the development includes the installation of a mast, it follows that determination as to whether prior approval as to the siting and appearance of the development is required in accordance with provisions at condition A.2(3) and paragraph A.3.

Character and appearance

10. The appeal relates to an area of pavement on the junction of St Marys Road, Gibbons Road and Evelina Road. The pavement edge is finished in pebble dash and an existing pole is positioned centrally in the pavement obstructing the pavement at this point. This section of the highway is defined by a raised wedge that marks the point where St Mary's forks in two and has a pleasant open appearance.
11. The surrounding roads comprise low rise housing, largely formed of two storey terraced dwellings. The width of the road and the set back of buildings positively contribute to the sense of openness. There are vertical elements along the streets in the form of streetlights and pockets of trees, but they are commensurate with the height of buildings in the area.
12. I acknowledge that the height proposed is required to provide sufficient coverage and to comply with ICNIRP guidance. However, the proposed development would appear unduly prominent and incongruously tall and out of keeping with its context. It would be considerably prominent projecting

significantly above the built form, trees and street lighting. Seen in views over relatively long distances, the proposed development would be at odds with the modest residential scale of the area. This visual impact would be compounded by the thickness of the monopole and the antenna at the highest part.

13. Furthermore, the number and scale of the cabinets would add to the visual impact of the mast, creating a relatively long run of cabinets of varying heights and appearance. In my view, the proposal would result in a cluttered and crowded appearance to a part of the street which is currently largely open.
14. It would also lead to a section of uncharacteristically narrow pavement and its position close to the existing pole would create a pinch point and an obstruction unduly affecting the movement of pedestrians along the pavement.
15. For the reasons set out above I conclude that, due to its siting and appearance, the proposed development would have a harmful effect upon the character and appearance of the area and so, insofar as they are a material consideration, would be contrary to the aims of Policies 3.24 and 5.3 of the Southwark Plan (2007) which do not permit proposals that would have an unacceptable appearance in terms of their siting or design and seek to provide adequate provision for pedestrians and cyclists.

Other Matters

16. The National Planning Policy Framework (the Framework) advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. It also outlines that the expansion of electronic communications networks, including next generation mobile technology, should be supported.
17. The mast is required to upgrade the coverage capacity of the network in relation to 5G services. I acknowledge that the cell search area is constrained and site sharing is not a viable option therefore the proposed site is the only realistic option. I also acknowledge the economic and social benefits associated with such development as set out in Paragraph 112 of the Framework.
18. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.
19. For the reasons set out above I find that the proposal would be harmful to the character and appearance of the area, and do not consider that harm to be outweighed by the general support in the Framework for high quality communications.

Conclusion

20. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR