



Appeal Decision

Site Visit made on 12 July 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal Ref: APP/H5960/W/21/3266532

A3 Kingston Road, Roehampton, Putney, Wandsworth, London SW15 4NP

- 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 EE Ltd and H3G (UK) Ltd against the decision of London Borough of Wandsworth.
 - The application Ref 2020/1761, dated 18 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is the installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets and development ancillary thereto at A3 Kingston Road, Roehampton, Putney, Wandsworth, London SW15 4NP dated 18 May 2020, and the plans submitted with it including Site Location Plan Drawing Number 002; Max Configuration Site Plan Drawing Number 216 Rev A and Max Configuration Elevation Drawing Number 266 Rev A

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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 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.

Main Issues

4. The main issues are:

- The effect of the proposed development upon the character and appearance of the area; and
- The effect of the proposed development upon the Wimbledon Common and Putney Heath Site of Importance for Nature Conservation (SINC).

Reasons

Character and appearance

5. The appeal site is an area of land sited on the A3 Kingston Road forming part of a larger green area. Kingston Road is a busy 4-lane dual carriageway with streetlighting, infrastructure and road signs along the road. An existing monopole and cabinets are sighted further along the road. Located on the other side of the dual carriageway is the Putney Vale Cemetery and Crematorium and its listed gates.
6. The monopole would be taller than the nearby monopole and street lighting and with its wider antenna the monopole and the number of cabinets proposed would make it a more obvious arrangement. The monopole would exceed the height of surrounding tree canopies and its position along the road would result in a more visible structure from the residential properties in Norstead Place and Ringwood Gardens.
7. The proposed monopole and the cabinets would be prominent in views along Kingston Road on account of its height and the number of cabinets. However, it would not appear out of place or as an unexpected feature due to the busy nature of the road, the presence of other telecommunication equipment and highway infrastructure. I am also satisfied that the proposal would not result in an over proliferation of equipment in the area. Views from the residential properties would be partially screened by trees and read alongside streetlights and highway signage.
8. In my view the proposed development would not be an incongruous feature and would sit comfortably in its surroundings without having an adverse effect on the street scene where the proposed monopole would be seen in the context of a busy dual carriageway, existing structures and street furniture of varying heights.
9. The Council's decision notice does not allege harm in respect of a nearby designated heritage asset, even though the Officer's report refers to harm. The site is set away from the listed gates of the Putney Vale Cemetery and Crematorium, someway south of them and separated by a four-lane dual carriageway. The proposed development, despite its height, would not be seen in any significant views of the gates due to its distance from the entrance into the cemetery. As such, I find that the proposed development would preserve the setting of the listed gates.
10. I conclude that the proposed development would therefore not cause unacceptable harm to the character or appearance of the area.

Impact on Site of Importance for Nature Conservation

11. The appeal site forms part of the Wimbledon Common and Putney Heath SINC. The Council are of the view that the proposed development would have some impact upon its biodiversity but do not explain what the potential effect may be.
12. The appellant's Preliminary Ecological Appraisal Report sets out that the location for the apparatus is scrub and has low potential for mammals and amphibians including protected species. It concludes that the proposed development would have a negligible net biodiversity loss and would not have a significant impact on the site's designation.
13. Despite the Council's contention I am satisfied that the proposed development would not adversely affect the SINC and biodiversity in the area. Consequently, I conclude that the proposed development would not unduly affect biodiversity in the area. It would accord with Policies DM04 and PL4 of the Wandsworth Local Plan Development Management Policies Document (2016) which, amongst other things, seek to prevent harm and protect sites with important bio/geodiversity value and protected species.

Other Matters

14. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the National Planning Policy Framework (the Framework) in paragraph 118 advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
15. I note nearby constraints including Metropolitan Open Land, an Historic Park and Garden and conservation area. Despite the Council's contention that alternative sites have not been fully explored I find the appellant's case that there are no buildings, structures or other sites available to host the required equipment to be compelling. The lack of realistic alternative options to deliver the required coverage and capacity is a consideration which weighs in favour of the development. For these reasons, I am satisfied that there would be no alternative option to the development to deliver an appropriate standard of communications in the area.
16. The Council have referred to two appeal decisions which they consider relevant. However, it is incumbent upon me to assess the merits of the proposal before me, as I have done. As such, I have given these decisions limited weight in coming to my decision.

Conditions

17. Despite the Council's desire for the equipment to be screened or camouflaged given the character of the area I am of the view such a condition is not necessary.

18. Standard conditions are set out in the GPDO for development permitted under Class A, Part 16 and as such it is not necessary to impose conditions beyond those.

Conclusion

19. For the reasons set out above the appeal is allowed and prior approval is granted.

B Thandi

INSPECTOR