



Appeal Decision

Site Visit made on 22 June 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/A5840/W/20/3264795

Pavement at Dulwich Wood Park, Upper Sydenham, London, SE19 1XE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2 Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO).
 - The appeal is made by Hutchison 3G UK Ltd against the decision of the London Borough of Southwark.
 - The application Ref 20/APP/2300, dated 7 August 2020, was refused by notice dated 3 November 2020.
 - The development proposed is telecommunications installation: Proposed 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Appeal submissions have referred to the 2019 version of the National Planning Policy Framework (the Framework). In July 2021 this was replaced by a new version. The content of chapter 10 on supporting high quality communications has not changed but the paragraph numbers have. I have had regard to the updated Framework in this Decision.
3. There is no dispute between the parties that the proposal satisfies the limits to permitted development set at Paragraph A.1. to Class A of Part 16 to the GPDO. Paragraph A.3.(4) requires that before development can commence that a determination be made as to whether prior approval will be required as to the siting and appearance of the development.

Main Issue

4. The main issue is whether any adverse effects from the proposal's siting and appearance in the street scene would be outweighed by its public benefits.

Reasons

5. The installation would be sited at the back edge to the footway adjacent to a low brick wall, about 0.5m high, retaining an extensive well-maintained grassed area several metres wide. At the back of this is a brick wall about 3m high beyond which are sunken garages relating to Rayleigh Court a residential tower block. There are two trees within the grassed area adjacent to the site and many mature trees on the opposite side of the road and in the wider area. The installation would be sited on the inside of a long bend in Dulwich Wood Park with land levels falling to the west and rising to the east.

6. Whilst the locality has a verdant character with trees forming a backdrop to views from many positions, the installation would be in a relatively open position not close to the nearest trees. A tree to the east within the grassed area about 8m high would be about 12m from the monopole and would offer little screening. A larger tree some 16m high to the west of the site within the grassed area would be comparable in height to the monopole but is sited further away. It would form a backdrop in some views from the opposite side of the road but would offer little screening in positions along the nearside footway.
7. The cabinets would be close to a yellow grit box at the back edge to the footway and so would form a cluster of minor street furniture here. There are three traffic signs on the front edge to the footway to the east of the site, all about 3m high. The monopole would be much higher and wider than these relatively low vertical elements. There are street lamps along Dulwich Wood Park, but these are narrower and lower than the proposed monopole and the nearest of these are on the opposite side of the road either side of a bus stop and close to high trees. By comparison, the monopole would appear as an isolated and incongruous feature in the street scene. Its conspicuous nature in views along the road would result in part by the bend in the road and the openness of the grassed area behind the site.
8. The monopole would be clearly visible in oblique views from windows at Rayleigh Court and from ground level around the building. Given the angle of view from the nearest windows and a separation distance of about 45m there would not be a severe loss of outlook but there would be some loss of visual amenity. The monopole would also be visible from residential premises to the north side of Dulwich Wood Park, some with comparable separation distances. The presence of mature trees would filter views from several positions in the summer months, but the monopole would be more conspicuous in winter months with leaves off the trees.
9. The appellant has submitted a 'zone of theoretical visibility' map images in relation to the proposed 15m high monopole. These tend to exclude the impact on Rayleigh Court and the nearest residential premises to the northern side of the road, mainly due to the presence of trees. The images indicate that the monopole would be visible mainly along the curvature of Dulwich Wood Park in both directions. This confirms the findings of my own site visit. But the images do not indicate the openness of the site and how prominent the structure would be just within the road curvature. There would be clear views across the grassed area behind the monopole as this follows the curvature of the road. This would accentuate its prominence within the openness of the immediate locality.
10. The purpose of the installation is to provide the appellant new 5G coverage alongside upgraded 2G, 3G and 4G service provision thereby facilitating significantly improved connectivity. Chapter 10 of the Framework supports the provision of high quality communications. Paragraph 114 states that planning decisions should "*support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections*". Paragraph 115 encourages the use of existing masts, buildings and other structures and states where new sites are required, such as for new 5G networks, "*equipment should be sympathetically designed and camouflaged where appropriate*".

11. The proposal would result in the public benefit of improved connectivity in accordance with objectives in the Framework. But its siting and appearance would not be sympathetic to the street scene and the monopole would not be effectively screened or camouflaged. Paragraph 117 of the Framework requires for a new mast or base station, evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored.
12. The appellant has provided information on three discounted alternative options all for a street works monopole, one in Dulwich Wood Park to the south-west, and two at sites at a greater distance, but also in this direction. A cell search diagram has been submitted but this has a tightly drawn circle around the discounted alternative site in Dulwich Wood Park with the appeal site outside the circle. Whilst the appellant claims that the search area is extremely constrained and that the only viable option has been put forward, I am not persuaded that the search for an alternative siting has been exhaustive or adequately explained. There are several high buildings in the vicinity of the appeal site and undulating land levels which may offer an alternative siting. From the evidence before me there is no indication of a dialogue with the Council on the need for the facility or on possible alternative locations for it either at pre-application or application stages.
13. The proposed monopole would be an unduly prominent and incongruous feature within a relatively open part of the street scene to this part of Dulwich Wood Park. From the information available, including possible alternative sites, the public benefits of the proposal would not outweigh the harm arising from its siting and appearance.
14. Development plan policies are relevant to prior approval applications inasmuch as they relate to the siting and appearance of the development. In this respect there would be conflict with Saved policies 3.13 'Urban design' and 3.24 'Telecommunications development under the General Permitted Development Order (GPDO)' of the Southwark Plan (2007) and with Strategic policy 12 'Design and conservation' of the Southwark Core Strategy (2011).

Other Matters

15. Residents have raised objections to the proposal on other grounds. The installation would restrict visibility to the left along Dulwich Wood Park for vehicles emerging from the junction with Lymer Avenue to the west of the site. However, given the separation of some 25m and the limited width of the installation there would be no material adverse effect on highway safety. There is a wide footway at the site. The Council estimates that there would be a usable pavement width of approximately 1.9m after installation. This would be sufficient for pushchairs and those with mobility needs without having to step into the carriageway.

Conclusion

16. The adverse effects from the proposal's siting and appearance in the street scene would not be outweighed by its public benefits. For the reasons given I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR