



---

# Appeal Decision

Site Visit made on 9 September 2021

**by Rory MacLeod BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 November 2021**

---

**Appeal Ref: APP/T5720/W/21/3271447**

**Area of footpath, Cambridge Road, Raynes Park, London, SW20 0PH**

- 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) Limited against the decision of London Borough of Merton.
  - The application Ref 20/P3713, dated 13 November 2020, was refused by notice dated 8 January 2021.
  - The development proposed is erection of a 15 metre high Phase 8 Telecommunications Pole with Built-In Cabinet, 3no Separate Cabinets and Ancillary Works.
- 

## 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 the proposal's public benefits would be outweighed by impacts from its siting and appearance on (a) the street scene and Copse Hill Conservation Area, (b) the open character of the area and adjacent Metropolitan Open Land and (c) the availability of on-street parking.

## Reasons

5. The proposed installation would be on the northern side of Cambridge Road on a footway adjacent to allotments within a predominantly residential area. There are houses on the southern side of the road that would face the installation and on both sides of the road to the east by the junction with Oakwood Road. To the west Cambridge Road has a junction with Coombe Lane; a proposal for an telecommunications monopole 11m high at this junction was refused in 2017.

6. The proposed telecommunications pole would be sited at the front edge to the footway between two street trees also positioned at the footway's front edge. The trees are both about 5m high, so the pole, at 15m would tower above them. Streetlamps in the road are narrow and about 6m high. The width and height of the pole would greatly exceed their dimensions. There are no other trees, buildings or other structures nearby to offer a backdrop or any screening to views of the pole. It would therefore appear as a high, isolated and conspicuous feature in the street scene in views in both directions along Cambridge Road and from the houses facing the site on its southern side.
7. The back edge to the footway on the northern side of Cambridge Road forms the boundary with the allotments which are within the Copse Hill Conservation Area (CHCA) and also designated an area of Metropolitan Open Land (MOL). The allotments form part of a substantial area of open land within the CHCA and MOL extending to the north across Cottenham Park Road to Copse Hill. Whilst the proposal would not be within either the CHCA or the MOL, it would be very close to their southern boundaries. The 15m high pole would be a prominent structure in views from the north across the allotments and other open land and from the south where this low lying land forms a backdrop.
8. The significance of the CHCA relates to the historic interest of some buildings but also from its topography and the extensive open spaces that support a range of recreational, leisure and sporting activities. The proposal would have a negative impact on the appearance and open character of the southern part of the CHCA and so would detract from its significance.
9. A key characteristic of areas designated MOL is their openness and the limited nature of any built structures. The allotment's open character is enhanced by the low level of development immediately beyond the designated areas, in this instance, mainly two storey housing. Whilst just outside the designated area, the prominence of the 15m high pole would nonetheless detract from the open character around the appeal site, the allotments and of the wider MOL.
10. The siting of the row of cabinets along the front edge of the footway could compromise use of the adjacent parking space. This is one of several along Cambridge Road that are marked out as a part of a controlled parking zone (CPZ). The plans indicate this space would be used for bicycle parking. Current CPZ controls restrict parking between 11am and 12 noon on weekdays. At the time of my site visit, there was low demand for these spaces with the vast majority free. There is no evidence before me to indicate that the loss of just one space in a long row of spaces would result in a significant loss to on-street parking availability for residents and the general public.
11. The purpose of the installation is to provide the appellant new 5G coverage thereby facilitating significantly improved connectivity for the target search area based on Oakwood Road. The appellant has operational sites in the wider area, but these would not be suitable for 5G coverage in the target area; due to the higher frequencies utilised, the cell areas tend to be far smaller. 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*". The proposal would result in the public benefit of improved connectivity in accordance with objectives in the Framework.

12. Paragraph 115 of the Framework 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"*. Paragraph 117 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. The appellant has followed a sequential approach resulting in the current proposal, but in view of its visual impacts it is appropriate to examine the existence of possible alternatives where the siting and appearance may have a lesser impact.
13. The target area is predominantly residential in nature. The appellant has provided a commentary on several street locations within it citing constraints including the presence of vehicle driveways leading off the pavement, narrow footpaths and the presence of overhanging trees and telephone lines; these lead to the finding that no suitable location could be identified for a new installation. I acknowledge these constraints but note that the proposal would be located on the target area's periphery. This area is demarcated by a neat circle whereas the cell deficiency plotting on the appellant's figure 1 shows a larger irregularly shaped area extending further to the east. I am not satisfied that there may not be an alternative location for an installation, perhaps a little beyond the defined target area that may suffice, and which may be preferable given the harm arising from the current proposal's siting and appearance.
14. The proposal's public benefits would be outweighed by impacts from its siting and appearance on the street scene, the CHCA and on the open character of the MOL. The proposal would thereby conflict with Policies CS13 and CS14 of the Merton Core Strategy (2011) and with Policies DMD1, DMD2, DMD4, DMD6 and DMO1 of the Merton Sites and Policies Plan (2014) inasmuch as they relate to the proposal's siting and appearance.
15. References to the general support for telecommunications installations in the recently adopted London Plan (2021) and the appellant's appended letter from the Department for Digital, Culture, Media and Sport do not outweigh the harm I have identified. Reference has been made to an allowed appeal in Southwark for a 20m telecommunications monopole, but the site circumstances there differ greatly from the current appeal site adjacent to a conservation area and MOL. The proposal would be sited on a relatively wide section of footway, but this is not sufficient reason to allow the appeal.
16. The proposal has attracted many representations from interested parties the vast majority of which are against the proposal. I have noted those in support of the proposal but its benefits in relation to improved connectivity do not outweigh the harm arising from its siting and appearance.

## **Conclusion**

17. The proposed telecommunications pole would be a visually intrusive feature in the street scene and on the open character of the area. The adverse effects from its siting and appearance would not be outweighed by its public benefits. The appeal should therefore be dismissed.

*Rory MacLeod*

INSPECTOR