



## Appeal Decision

Site Visit made on 5 November 2021

**by A M Nilsson BA (Hons) DipTP MRTPI**

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

**Decision date: 01 December 2021**

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**Appeal Ref: APP/N5660/W/21/3272266**

**Lynde House, Gauden Road, Clapham, London SW4 6LN**

- 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).
  - The appeal is made by Mobile Broadband Network Limited against the decision of London Borough of Lambeth.
  - The application Ref 20/02817/G24, dated 21 August 2020, was refused by notice dated 7 October 2020.
  - The development proposed is the installation of 3no rooftop structures, accommodating 12no antenna apertures (4no per structure) with a top height of 25.10 metres; 4no 600mm transmission dishes on 2no support poles; 11no equipment cabinets on the rooftop; and ancillary development thereto.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The provisions of the Order 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. Since the original decision the Council have adopted the Lambeth Local Plan 2020-2035 (2021). This replaces the Lambeth Local Plan (2015) such that the policies of that plan cited on the decision notice are no longer part of the development plan and have no weight.
4. Also since the original decision The London Plan 2021 has been published by the Mayor of London. The policies contained in The London Plan 2021 replace those of The London Plan 2016 referred to in the Council's original decision and as such those policies are no longer relevant.

### Planning Policy

5. The principle of development is established by the Order, and the provisions therein do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

## **Main Issue**

6. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area.

## **Reasons**

7. The appeal site is located on the rooftop of Lynde House. It is a seven-storey building that comprises residential properties. It is prominently located on a corner site at the junction between Gauden Road and Chelsham Road. The surrounding area is predominantly made up of grand terrace properties and houses, which for the most part, make up the Sibella Road Conservation Area (SRCA). The appeal property is not within the SRCA but is bordered on three sides by it.
8. The rooftop contains a number of existing telecommunications installations. Although these are clearly visible from the street-level, they are relatively unobtrusive. The appeal proposal would result in the installation of, amongst other things, three Valmont Roofpod structures, accommodating 12no antenna apertures (four per structure). They would all be located towards the edge of the roof.
9. The Framework outlines that the use of buildings for the installation of telecommunications equipment should be encouraged. There is also a requirement that developments are visually attractive and sympathetic to local character and the surrounding built environment, including having regard to the desirability of sustaining and enhancing the significance of heritage assets.
10. Although the proposed development would be mounted on a building, something encouraged by the Framework, due to its siting at a high level, its overall bulk and appearance, it would be highly prominent and create an incongruous and alien feature on the building. Despite some limited screening from street trees, the installation would be highly visible from within the SRCA, particularly long-range views from Chelsham Road where the appeal building rises prominently above the existing terraced properties and houses. For these reasons, due to its siting and appearance, it would harm the setting of the SRCA that at this point is notable for the handsome terrace properties.
11. For the reasons outlined above, the installation would cause significant harm to the character and appearance of the area. It would be contrary to Policies Q2, Q5, Q11, Q22 and T9 of the Lambeth Local Plan (2021). Collectively these policies require that development is of good design and that new plant and equipment on buildings, should, where possible, be fully integrated, not placed on publicly visible elevations and where integration is not an option, be screened. These policies also require that, for conservation areas, proposals should protect their setting, including views in and out of the area, and for telecommunications development being required to not cause unacceptable harm to the character or appearance of the area or building on which it is located, including the setting of historic assets.

## **Other Matters**

12. The Framework outlines the significance of high-quality telecommunications infrastructure including in relation to being essential for economic growth and social well-being. The appellant has also highlighted the increased significance of the network during the covid-19 pandemic that has created a greater

concentration of home working and demand, however this is likely to be temporary with lockdown easing. Nevertheless, these factors weigh strongly in favour of the proposal.

13. The appellant has outlined that the installation is required due to the removal of a previous base station that served the area. A temporary installation that was deployed under emergency powers, to ensure continuation of service has also been removed, resulting in a coverage gap in the area. The provision of coverage, whether new or replacement, is a significant benefit of the installation, and of significant weight in the balance.
14. I have been referred to a number of previous appeal decisions where the weight given to such matters as the installation on existing buildings and the need for the development in terms of its contribution to the provision of telecommunications infrastructure outweighed any harm. I do not have full details of the proposals or their locations. However, whilst I acknowledge these decisions, each case must be determined on its own individual planning merits.
15. I concur with the previous Inspectors that a balancing exercise should be carried out and the need to provide telecommunications coverage within the locality, and the Government's support for telecommunications infrastructure, are essential parts of that exercise.
16. The appellant has referred to the use of the installation as part of the Emergency Services Network (ESN). Although I have not been provided with any evidence to demonstrate the significance of the proposed installation in this context or that there is a specific need or demand for the proposal to meet a deficiency in the ESN, in a similar manner to the provision of network coverage, this nevertheless weighs in favour of the proposal.
17. The appellant has submitted a copy of the document '5G and Future Technology – Delivering the UK's Telecoms Future' (2019). This document outlines the significance of the 5G network and the rollout of new equipment. The appellant has also submitted a copy of the document 'Councils and Connectivity - How local government can help to build mobile Britain' (2018). This document outlines the mobile industry's view on how local government can create an environment that is conducive to the building of mobile infrastructure. Although these documents echo the Framework in outlining the significance of the network, they do not appear to have been through any public examination and I give them little weight in the appeal.

### **Planning Balance and Conclusion**

18. I do not consider that the public benefits of the installation in terms of a continued and enhanced telecommunications network, its contribution to economic growth, the operational and locational needs of the operators, or that it would be installed on an existing building, outweigh the significant harm that I have identified would be caused to the character and appearance of the area.
19. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

*A M Nilsson*

INSPECTOR