



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: 22/12/2021

Appeal Ref: APP/N5660/W/21/3270315

South Lambeth Road, Lambeth, London SW8 1XP

- 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 Hutchison 3G (UK) Limited against the decision of London Borough of Lambeth.
 - The application Ref 20/02982/G24, dated 4 September 2020, was refused by notice dated 26 October 2020.
 - The development proposed is the erection of an 18-metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works.
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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. During the assessment of the initial application, the appellant submitted amended plans that reduced the height of the monopole from 20m to 18m. Despite the receipt of the amended plans, the Council determined the application on the basis of the 20m high monopole as originally submitted.
5. As the amended plans equate to a reduction in the overall height, I do not consider that the interests of any party would be prejudiced if I determine the appeal on the basis of the reduced height. I have retained the original description of development save for altering the height of the proposed monopole.

Planning Policy

6. 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 National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

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

Reasons

8. The appeal site is located on the west side of South Lambeth Road, close to the crossroad junction with Aldebert Terrace and Thorne Road. The pavement on which the appeal site is located is relatively wide and has a notable tree line set behind the railings that separate the footpath from Teversham Lane which in turn sits in front of a residential complex over three and four storeys. The opposite side of South Lambeth Road consists of grand three storey terrace properties with a public house, the Canton Arms, on the corner junction with Aldebert Terrace. The public house, along with no. 205 South Lambeth Road are locally listed buildings.
9. The properties opposite the appeal site are within the South Lambeth Road Conservation Area (SLRCA), the boundary of which effectively splits the east and west side of South Lambeth Road in the vicinity of the appeal site.
10. The proposed installation would broadly sit in the line of the existing trees, which it is identified are around 11m in height. It would, however, break from the line of the existing street-lighting columns which are identified as being 10m in height.
11. Although there would be some screening provided by the trees and buildings, overall, the installation would be significantly taller than these features. The width of the column is also considerably greater than any of the other street furniture in the area with the exposed antenna resulting in a disorderly and cluttered appearance that significantly adds to its prominence. It would therefore, as a result of its scale and width, be highly visible from long range views along this linear section of South Lambeth Road, including from within the SLRCA. Therefore, as a result of its scale and appearance, it would be highly visible within the street scene and would represent an incongruous and dominant addition adversely affecting the character and appearance of the area.
12. The appellant suggests that should it be deemed necessary, an alternative colour, other than the grey that is proposed, could be used. I do not find that the use of an alternative colour would overcome the harm I have identified.
13. For the reasons set out above, the mast would cause significant harm to the character and appearance of the area. The proposal would be contrary to Chapter 10 of the Framework, which requires, amongst other things that equipment on new sites to be sympathetically designed and camouflaged where appropriate.
14. It would also be contrary to Policies Q6, Q22, Q23 and T9 of the Lambeth Local Plan (2021). Collectively these policies require that development is of good design and that, for conservation areas and non-designated heritage assets, proposals should protect their setting, including views in and out of the area.

For telecommunications development, it is required that the siting, height and design of the equipment will not cause harm to the character or appearance of the areas, including the significance and setting of historic assets, and will not be visually intrusive in the street scene or create unacceptable clutter.

Other Matters

15. The Framework outlines the significance of high-quality telecommunications infrastructure including in relation to being essential for economic growth and social well-being. This is echoed in the joint correspondence from DCMS and MHCLG (27 August 2020), a copy of which has been submitted by the appellant. These factors weigh strongly in favour of the proposal.
16. The appellant has referred to a previous appeal decision¹ in support of their appeal. I do not have full details of the proposal or its location and can therefore give it only limited weight. I have, in any event, determined the appeal on its own individual planning merits.

Planning Balance and Conclusion

17. 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, or the operational and locational needs of the operator, outweighs the significant harm that I have identified would be caused to the character and appearance of the area.
18. 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

¹ APP/A5840/W/20/3254830