



## Appeal Decision

Site visit made on 23 February 2022

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

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

**Decision date: 25 March 2022**

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**Appeal Ref: APP/N5660/W/21/3278079**

**260 Knights Hill, West Norwood, London SE27 0QP**

- 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 Freshwave Group Ltd against the decision of the London Borough of Lambeth.
  - The application Ref 21/00635/G24, dated 16 February 2021, was refused by notice dated 7 April 2021.
  - The development proposed is a 18m high monopole accommodating 3no antenna apertures & 1no 300mm dish, installation of 3no equipment cabinets and ancillary development 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 siting and appearance of a 18m high monopole accommodating 3no antenna apertures & 1no 300mm dish, installation of 3no equipment cabinets and ancillary development thereto at 260 Knights Hill, West Norwood, London SE27 0QP in accordance with the terms of the application, Ref 21/00635/G24, dated 16 February 2021, and the plans submitted with it: Site location plan; 100 A; 200 A; 201 A1; 300 A and 201 A1.

### Preliminary Matters

2. Because this is an application for prior approval the provisions of the 2015 Order 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. This appeal will be determined on the same basis.
3. The proposal follows the refusal of a previous application for a 20m high monopole in the same location with two groups of antennae rather than the one set now proposed (ref. 20/03403/G24).
4. The appellant comments that the apparatus is required to fill a specific gap in local network coverage arising from removal of a base station from a nearby building to the south, 413 Beulah Hill, which provided 2G, 3G and 4G services.

### Policies

5. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation.

6. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies T9, Q5 and Q6 of the Lambeth Local Plan (2021), which replace the policies referred to in the Council's decision notice, are material considerations inasmuch they relate to issues of siting and appearance. In particular, they support the delivery of high quality digital infrastructure, not harmful an area's character and appearance. Similarly, the London Plan (2021) and the National Planning Policy Framework (the Framework) are also material considerations and include sections on supporting high quality communications.

### **Main Issue**

7. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

### **Reasons**

8. The appeal relates to a petrol filling station on the western side of Knights Hill. The proposal would be sited several metres from the public footway, located against a boundary wall to the southern side of the site. To the south is an alleyway and beyond this the flank wall of a 3-storey terrace comprising shop units with residential above. There are residential premises to the west and south-west behind the shops and to the north of the petrol filling station. To the east there are buildings of flats set well back from Knights Hill.
9. The monopole and its associated antennae would be most prominent in views from the north. In longer views there are substantial trees in the large front gardens that would filter its visibility, particularly in summer months when in leaf. In closer views from the north and north-east the monopole would be more conspicuous but would be seen in association with advertising on the petrol station's canopy and its forecourt totem sign, alongside the double height advertising hoarding on the flank wall of the terrace to the south and in association with the vertical fume extract at the rear of the nearest shop unit. The monopole would clearly be much higher than the flank wall to 266 Knights Hill, which forms the backdrop, but would be seen within a strong commercial context and its siting away from the footway to Knights Hill would also assist in its assimilation in the street scene.
10. In many street level views from the south and from the junction of Knights Hill with Crown Dale where ground levels are highest, the monopole would be largely screened by the line of three storey buildings to the western side of Knights Hill. When viewed from the south-east the monopole top would be seen over the adjacent terrace but in association with telecommunication antennae for a different operator at the southern end to the roof to the terrace at 270 Knights Hill. The proposal would not therefore be out of context. There would be sufficient separation from residential buildings to the east and west facing the site to not be unduly conspicuous.
11. The monopole and cabinets set within the petrol filling station forecourt would not thereby result in visual clutter in the street scene nor result in material harm to the visual amenities of the surrounding area. Any harm to the character and appearance of the area would be limited and outweighed by the clear need for the installation to plug a gap in network coverage.

12. The Council has referred to Paragraph 115 of the Framework which states that *"equipment should be sympathetically designed and camouflaged where appropriate"*. The cluster of antennae at the monopole's top would increase its visual impact, but the appellant has indicated that its height, reduced compared with the previous submission, is the minimum necessary to still provide sufficient network coverage to this area and that the antennas cannot be screened or reduced in height for operational reasons. In my judgement, it would not be practicable to seek to further camouflage the structure, an exhortation that is only applicable *"where appropriate"*. The installation would be sensitively sited within a commercial forecourt set back from the footway to Knights Hill. The proposal would be in accordance with the thrust of Section 10 to the Framework in supporting high quality communications.
13. The appellant has investigated alternative locations for an installation but considers that these would either not meet technical requirements, or that the design solution would have resulted in greater environmental harm. A constraint is that the proposal has to be located as close as reasonably possible to the former installation to enable radio coverage to reach the areas where replacement coverage is required. Having regard to all relevant considerations, the effect of the siting and appearance of the proposed installation on the character and appearance of the area would be acceptable.

### **Other Matters**

14. Representations have been received against the proposal, for reasons other than those considered above. The proposal would be visible from the grounds of the British Home Chapel to the west of the site, but given the considerable separating distance, some 66m according to the Council, there would not be an adverse effect on the setting of this statutorily listed building.

### **Conditions**

15. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

### **Conclusion**

16. For the reasons given above I conclude that the appeal should be allowed, and prior approval should be granted.

*Rory MacLeod*

INSPECTOR