



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

Appeal Ref: APP/N5660/W/21/3278172

Streatham Vale, London, SW16 5TE

- 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 Hutchison 3G UK Ltd against the decision of the London Borough of Lambeth.
 - The application Ref 20/04025/G24, dated 19 November 2020, was refused by notice dated 12 January 2021.
 - The development proposed is installation of 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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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 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works at Streatham Vale, London, SW16 5TE in accordance with the terms of the application, Ref 20/04025/G24, dated 19 November 2020, and the plans submitted with it, Plans 002, 100, 150, 210, 260, 303 and 305.

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.

Policies

3. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. 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 that is not harmful to an area's character and appearance. The London Plan (2021) and the National Planning Policy Framework are also material considerations and include sections on supporting high quality communications.

Main Issue

5. 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

6. The installation would be at the back of the footway close to a traffic light controlled junction with Woodgate Drive. This is a relatively busy footway due to the proximity of shops and Streatham Hill Railway Station. But the footway is wide, and a grit box and clothes recycling unit are already at the footway's back edge, so pedestrian movements would not be obstructed. To the rear of the footway is a landscape strip to an open car park to a Homebase store at a lower level. A little to the north-east, on higher ground near to a bridge over the railway, are a monopole and cabinets relating to a different provider O2.
7. The monopole would be seen as a high skyline feature from within the car park as the existing monopole does, but this is an urban location with shops to both sides of Streatham Vale. The monopole would be higher and more bulky than nearby traffic lights and lighting columns, but comparable to the O2 monopole in profile. In close views it would appear higher than other street furniture, but Streatham Vale is straight and in longer views it would be seen as part of a line of vertical structures with the lighting columns and the other monopole.
8. The Council has previously refused approval to a 20m high monopole at this site for the same reason (ref. 20/01547/G24). The appellant comments that the revised height of the monopole at 15m AGL is the minimum that can be achieved whilst still allowing for the required network coverage in this area.
9. Having regard to the merits of the proposed site in relation to the alternatives investigated, which are mainly closer to residential receptors, any harm arising to the positive aspects of the surrounding area, which is largely commercial in character, would be outweighed by the need for the installation to address a 5G coverage hole in the area. The proposal would not result in unacceptable visual clutter given the footway width and separation to the other mast.

Conditions

10. 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

11. For the reasons given above I conclude that the appeal should be allowed.

Rory MacLeod

INSPECTOR