



Appeal Decision

Site visit made on 22 April 2022

Decision by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2022

Appeal Ref: APP/H5960/W/21/3285333

Tooting Bec Road SW, Tooting Bec Road, Upper Tooting, London SW17 8BN

- 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 GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Wandsworth Council.
 - The application Ref 2021/3607, dated 14 May 2021, was refused by notice dated 20 September 2021.
 - The telecommunications installation is proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. The provisions under Schedule 2, Part 16, Class A of the GPDO requires 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, having regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are relevant to the development and prior approval matters.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the surrounding area.

Reasons

5. The site comprises an area of open green verge adjacent to the public footpath on Tooting Bec Road. It is located in front of a four storey block of residential flats, separated by a row of mature trees. Tooting Bec Common is across the road, somewhat screened by vegetation, and a range of commercial uses are located further along Tooting Bec Road. The proposal follows on from a previously refused application for a similar installation at the site but with a 20 metre high monopole.

6. The appellant states the presence of telecommunication apparatus is established in this location due to similar development nearby. In this sense it is acknowledged that the proposal would match the sequence and vertical orientation of surrounding development.
7. However, its installation would further add to the proliferation of structures and street furniture present. In addition to the telecommunications pole and lampposts, the footpath houses cabinets and a bus stop. The addition of the various elements of the proposal would result in a long stretch of the green verge being lined with a variety of structures, appearing to further fence it in and reducing the open feel.
8. Even acknowledging the width of the footway, this would lead to an undue sense of clutter, causing visual harm to the immediate area. The resulting variety of structures of differing heights and forms would lend a busy appearance to the highway. While this would be screened from nearby residential dwellings due to the trees and planting present, it would be readily experienced by pedestrians and vehicular users of Tooting Bec Road.
9. In addition, despite the pole largely matching the height of that nearby, as well as that of the flats and treeline behind, the proposed antenna would appear bulkier and less uniform in profile than surrounding vertical structures. While necessary due to technical and operational requirements, this would further emphasise the presence of the proposal, appearing unduly imposing and conspicuous in public views no matter the colour of the structure itself. Overall therefore, the proposal would cause significant harm to the character and appearance of the surrounding area.
10. The proposal would also be situated across from Tooting Bec Common, Metropolitan Open Land (the MOL), locally listed as a non-designated heritage asset. The MOL is an attractive and well-kept public open space that contributes positively to the character and appearance of the area. While the trees lining the MOL are generally mature and tall, some smaller trees and gaps are present. This would allow views towards the appeal site. As such, the topmost part of the proposed pole would be visible from the MOL, particularly during winter months. From such viewpoints the proposal would read incongruous compared to the open and verdant feel of the MOL.
11. Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this regard it is notable that the proposal would have a localised impact on the MOL, and would not be located within the MOL itself, thereby causing limited harm.
12. Paragraph 114 of the Framework makes it clear that planning decisions should support the expansion of electronic communications networks, including 5G. The appellant has demonstrated that the proposal would aid such expansion, facilitating multiple sharers, addressing current insufficient capacity, and generating other potential socio-economic and environmental benefits. These benefits attract weight in favour of the proposal. However, while the appellant has referred to the sequential approach for site selection, even acknowledging the constraints faced in this selection, limited information has been provided in this regard. Furthermore, the Council has expressed concerns about the lack of dialogue on possible alternative locations which could secure the same public benefits.
13. Although the Framework aims to facilitate the growth of new telecommunication systems, it also places great emphasis on ensuring good design and respecting the character of

surrounding areas. As such, despite the limited harm to the MOL, I consider that the benefits arising would not be sufficient to outweigh the overall significant harm that the proposal would cause to the character and appearance of the surrounding area.

14. For the above reasons, the siting and appearance of the proposal would cause harm to the character and appearance of the surrounding area. As such it would fail to comply with Policies DMS1, DMS2, DMS9 and DMO1 of the Wandsworth Local Plan Development Management Policies Document (2016), Policy S16 of the London Plan (2021) and Policy IS3 of the Wandsworth Local Plan Core Strategy (2016), which seek to ensure good design and to preserve heritage assets and open space.

Other matters

15. The appellant asserts that the equipment cabinets would be permitted development. This is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. The proposal before me relates to the whole installation, including the cabinets.
16. The appellant has stated that the proposal would cause no harm in relation to highway safety or the living conditions of surrounding residents. This represents a lack of harm, which is a neutral matter in the planning balance.

Conclusion

17. For the reasons given above the appeal should be dismissed.

C Rafferty

INSPECTOR