



Appeal Decision

Site visit made on 14 November 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/C5690/W/22/3299309

Verdant Lane, Downham, Lewisham SE6 1TN

- 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 CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/21/124576, dated 1 December 2021, was refused by notice dated 24 January 2022.
 - The development proposed is the installation of a 18m Phase 8 monopole c/w with a wrap-around cabinet at base, 3 cabinets, associated equipment and works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not contain a description of the development proposed. The description in the banner heading is taken from the Council's decision notice.
3. The principle of development is established by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the proposed development solely based on its siting and appearance, taking account of any representations received. I have determined the appeal on the same basis. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless had regard to the policies of the development plan 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 Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - if there is any harm, whether this is outweighed by the need to site the proposed development in the location proposed having regard to the potential availability of alternative sites.

Reasons

5. The appeal site comprises an area of pavement on Verdant Lane adjacent to Hither Green cemetery. The area is mainly residential in character, with properties in the immediate vicinity being predominantly two storeys in height. Verdant Lane slopes upwards from the north towards the site and it is visible on the approach from both directions. Vertical structures in the form of streetlights of regular height and spacing are apparent in the street scene. There is a line of trees of varying sizes along the cemetery's boundary with Verdant Lane, with the submitted plans showing those closest to the site as around 11 metres in height. These trees contribute positively to the character and appearance of the area.
6. The height and width of the monopole has been reduced to the minimum necessary for its purpose of deploying 5G services and meeting the International Commission on Non-Ionizing Radiation Protection standard. However, it would appear as an obviously engineered feature of a greater scale and bulk than the existing vertical structures and would not sit comfortably in views of the open area to the rear. The height of the monopole would be further emphasised by the topographic incline when approaching from the north.
7. The trees within the cemetery would provide some screening to the lower parts of the monopole from certain vantage points. However, even when the trees in the vicinity are in full leaf, the monopole would still appear conspicuously tall. During the winter months, when the tree canopies are reduced, it would stand out further. The black colour proposed would help reduce the contrast with the backdrop, although less so for the upper sections of the monopole which would mainly be viewed against the sky. Nevertheless, the monopole would remain highly prominent in views from the surrounding area including residential properties and from a number of locations within the cemetery.
8. I appreciate that efforts have been made to avoid locating the proposed development directly in front of residential properties, at sites where pedestrian use of the pavement would be adversely affected, or within designated areas. However, the monopole's height and positioning would stand out as a dominant and incongruous feature. Notwithstanding that the associated ancillary equipment cabinets may be within the size limits to be classified as permitted development without prior approval, they are shown on the plans and within the specification and would not be required if it were not for the proposed monopole. The cabinets and monopole would create a degree of clutter that would contrast with the well-spaced street furniture visible in the context of the street corridor and the open character of the cemetery to the rear.
9. The proposed development would be an obtrusive and incongruous feature in the street scene. I therefore conclude that it would cause harm to the character and appearance of the area. Accordingly, it would conflict with Policy 15 of the Core Strategy Development Plan Document, adopted 2011, and DM Policies 30, 35 and 39 of the Development Management Local Plan, adopted 2014. These policies seek to ensure high quality design, including within the public realm, and that the visual impact of telecommunications development is minimised. There would also be conflict with paragraph 130 of the Framework, which seeks to achieve well designed places.

10. The Council has referred to Policy T6.1 of the 2021 London Plan in its reason for refusal. This policy does not include requirements relating to character and appearance. I do not therefore find any conflict with this policy.
11. Paragraph 115 of the Framework states that the number of communications masts and the sites for such installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It encourages the use of existing masts.
12. The appellant has investigated alternative sites as required by paragraph 117 of the Framework. As described in the appellant's Site Specific Supplementary Information and Planning Justification Statement and appeal statement, four other locations have been assessed and discounted. The reasons given for discounting these locations are due to pavements being too narrow and the proximity to residential properties and associated private car parking spaces.
13. I appreciate that the search area for the proposed development is constrained and that its residential character further restricts potential sites. I also attach positive weight to the benefits that the roll out of 5G coverage would provide, as set out in the Framework and the London Plan. However, limited information has been provided as to why the alternative sites were discounted or why these were the only possible locations within the search area. Based on the submitted evidence, I am not, therefore, convinced that sufficient justification has been provided to support the discounting of these other sites, or that less harmful alternatives have been properly explored.

Conclusion

14. For the above reasons, having had regard to all matters raised, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR