



Appeal Decision

Site visit made on 29 November 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2022

Appeal Ref: APP/H5960/W/22/3296315

278 Magdalen Road, London SW18 3NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE (UK) Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2021/4607, dated 6 October 2021, was refused by notice dated 26 November 2021.
 - The development proposed is the installation of telecommunications antennas, dish antennas, supporting structures, equipment cabinets and associated works and ancillary equipment: 1 x antenna on steel supports on the southern roof corner, 1 x 0.3m dish antennas on steel supports on the southern roof corner, 1 x antenna and 1 x 0.3m dish antenna on the same steel support on the northern corner with 2 equipment cabinets adjacent.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form is dated 30 September 2021; however, the Council have confirmed that the application was made valid on 6 October 2021 and therefore a decision was issued within the prescribed 56 days as set out in the Order. I have therefore amended the date of the application in line with the date the application was made valid and that within which the Council considered the application.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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.

Planning Policy

4. The principle of development is established by the Order and the provisions of Schedule 2, Part 16, Class A of the Order do not require regard be had to the development plan. I have had regard to the policies of the Wandsworth Local Plan Development Management Policies Document 2016 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

5. The main issues are:

- the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including the setting of designated heritage assets;
- if any harm is identified whether that harm would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and Appearance

6. The appeal site is located on the roof of 278 Magdalen Road. The building is a five-storey block with commercial uses at ground floor and residential accommodation above. It is adjacent to Earlsfield railway station and overlooks Wandsworth Cemetery. The appeal building is taller than the surrounding buildings which are generally either single storey or three storeys in height. The host building accommodates two rooftop buildings, one which accommodates stairwell access to communal amenity space on the roof and the other is a plant room.
7. Three mobile phone masts are already situated on the roof. The proposal would introduce a further two. Both proposed antennae would be substantially taller than those already in situ. They would both also be taller than one of the rooftop buildings, which are recessed back from the facades of the building thereby reducing their impact on the skyline and read as part of the building rather than extraneous structures. When the trees along Magdalen Road are in full leaf, the proposal would be obscured when viewed from a distance. However, the antennae would be conspicuous above the roofline of the building when viewed from Garratt Lane, the cemetery or closer to the building along Magdalen Road at all times of the year. The antennae would not be viewed against the backdrop of the plant rooms and rather would be visible on the skyline above or beside them, appearing awkward and unsightly.
8. The proposal would be on the roof of a building, which the Framework advises is generally preferable to ground mounted equipment. Nevertheless, it also advises that equipment should be sympathetically designed and camouflaged where appropriate. The host building in this instance, is significantly taller than those around it and as a result its roofscape is highly visible from almost all directions on this side of the railway line. Furthermore, when the building was first granted planning permission, a condition was specifically imposed to restrict the use of the roof for additional structures. The imposition of the condition is an indication that insensitive additions on the prominent roofscape could cause harm to the appearance of the building.
9. The proposal to introduce further mobile telecommunications equipment to the roofscape of the building would therefore serve to increase the visual clutter above its roofline. The precise locations of the equipment on the roof would emphasise the equipment's prominence and obtrusiveness. Furthermore, as the roof is used as communal amenity space for residents of the building, the installation would be viewed in proximity by the users of that space. Their obtrusive siting just beyond the glass balustrade and adjacent to the existing

smaller antennae would be unsightly and intrusive due to their cumulative impact.

10. The appeal site is close to the Grade II listed gates at the entrance to Wandsworth Cemetery, late 19th century gothic entrance gates noted for their architectural and historical significance. The appeal building also abuts the boundary of Magdalen Park Conservation Area (CA), the character of which is derived from the coherent quality of two, formally laid out, low rise inter-war council housing estates, surrounding houses and formally playing fields¹.
11. No heritage statement has been submitted with the application to demonstrate that the setting of these heritage assets would not be affected by the proposal. From my observations due to the distance between the two, the proposal would have a neutral effect on the setting of the listed building. The effect on the setting of the Conservation Area would be at closer range. In considering the effect of the proposal on the CA's setting the impact must be weighed against the harm it would have on the heritage asset as a whole. The scale of the proposal and its separation from the CA would be such that the setting of the CA would not be affected and would therefore not result in harm to the special interest of the CA. The effect of the proposed development on the character and appearance of the CA and therefore the significance of the CA and the listed building would be preserved.
12. Having had regard to their scale, height and prominent position, the proposed installation would, nevertheless, be an incongruous feature on the skyline in this location, which would adversely affect the character and appearance of the host building and the street scene, when viewed from Garratt Lane and the cemetery and would be particularly intrusive for users of the communal space on the roof of the building.
13. Therefore, insofar as they are a material consideration, the proposal would be contrary to the aims of Wandsworth Local Plan Development Management Policies Document 2016 (DMPD) Policy DMS1 which amongst other things, seeks to ensure that development is of high quality and DMPD policy DMS9 which seeks to ensure that telecommunications development is appropriately designed to minimise and camouflage its appearance wherever possible. The proposal would also be contrary to Wandsworth Local Plan Core Strategy 2016 Policy IS3 which seeks to protect the varied character and heritage of the borough.

Alternative Sites

14. For a new mast or base station paragraph 117 c) of the Framework requires the developer to submit evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure. The appellant states that the cell search area is very constrained with options limited, and that the proposed location is the only viable option. The appellant has considered and discounted a number of other sites, which are listed and described. However, the reasons are brief with little evidence to suggest why they would be more harmful than the appeal scheme.
15. The appellant states that the proposal would share a rooftop base station. However, rather than sharing facilities, the proposal would appear as a

¹ Magdalen Park Conservation Area Appraisal and Management Strategy 2009

proliferation of antennae on the roof top separate to the existing installations, and this would be particularly harmful as the roofscape of the building is particularly prominent and is used by residents of the building as outdoor amenity space.

16. I am therefore not satisfied that a thorough review of possible site options within the cell search area has been conducted. As a result, the harm I have identified to the character and appearance of the area is not outweighed by the needs for the installation to be sited in the proposed location.

Other Matters

17. In coming to my decision, I have had regard to the advice in the Framework in respect of the installation of telecommunications equipment. Approval of this application would help provide reliable, efficient digital communications, especially for users of the rail network through the Earlsfield area, for the emergency services and to help meet the needs of working from home. The proposal would also serve social and economic objectives supported by the Government's ambition to roll out 4G and 5G coverage. The appellant refers to a range of documents to this end. These are important public benefits to which I give significant weight.
18. The site would be shared by two operators, and I have no doubt that the height of the antennae is the minimum necessary to meet requirements and ensure effective coverage and the need to comply with the International Commission on Non-Ionising Radiation Protection. The appellant asserts that no alternative sites would be suitable for the required development. However, these benefits would not outweigh the harm that I have identified above.
19. My attention has been drawn to several other appeal decisions for telecommunications equipment. I do not have the full details of these cases before me. However, they all appear to be for ground mounted installations in locations which are not directly comparable to the case before me. Therefore, I am unable to draw any direct parallels from them relevant to the appeal before me which would lead me to an alternative conclusion.
20. I also acknowledge that the proposal would not have adverse impacts on the living conditions or on public health. These have not been determining factors in this case, and therefore I attach little weight to these matters.

Conclusion

21. For the reasons given above, I consider that the siting and appearance of the proposal would be unacceptable. The appeal is therefore dismissed.

K L Robbie

INSPECTOR