



Appeal Decision

Site visit made on 29 November 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 January 2023

Appeal Ref: APP/N5660/W/22/3301863

Area of footpath at 110 Loughborough Road, Lambeth, London SW9 7SE

Grid Ref Easting: 531564, Grid Ref Northing: 176306

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison CK Network UK Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/01543/G24, dated 29 April 2022, was refused by notice dated 8 June 2022.
 - The development proposed is telecommunications installation: proposed 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading above is taken from the appeal form rather than the application form as it more comprehensively describes the location of the site.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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. Part 16 of the GPDO establishes that the proposal is permitted development. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
5. Nevertheless, Policies T9, Q2, Q5, Q22 and Q23 of the Lambeth Local Plan, 2021, are material considerations as they relate to issues of siting and appearance. In particular, these policies seek to ensure that, telecommunications development would not harm the character or appearance of an area whilst site sharing options should be explored first, before new ground-based equipment. Furthermore, these policies require that development proposals should ensure that visual amenity from adjoining sites and from the

public realm is not unacceptably compromised, that the local distinctiveness of Lambeth be sustained and reinforced, whilst the significance and settings of conservation areas and non-designated heritage assets should be protected.

6. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes sections on supporting high quality communications and conserving and enhancing the historic environment.

Main Issues

7. The main issues are the effect of the siting and appearance of the proposed installation upon the character and appearance of the area, including Minet Conservation Area, and the setting of a nearby locally listed building 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. Within Minet Conservation Area (CA) is a park known as Myatt's Fields. Adjacent to the park are some large, landmark buildings such as the former Kennington Boys High School building. There are commercial properties within the CA, however, the prevailing character is residential. Houses in the area exhibit different architectural styles and this has created character areas. I particularly noted that many properties incorporate ornate architectural detailing. Storey heights vary, though many houses are relatively low rise, between 2 to 4 storeys in height. Street trees and trees within gardens are commonplace and, together with the park, this provides for a verdant character. I find that the park, the leafy streets, the residential character and domestic scale of many streets, the range of architectural styles and detailing together with the presence of landmark buildings contribute to the character and appearance of the CA and its significance.
9. The appeal site is located outside of the boundary of the CA but closely beside it. The site comprises an area of footpath at a junction where several roads meet. Existing street furniture close to the site includes traffic lights, lamp posts, CCTV, ground-based equipment cabinets and a grit bin. There is a street tree close-by with a hedgerow and further trees within a landscaped area adjacent which, together, forms a green space at the junction. Beyond this landscaped area, is a grouping of buildings including a multi-storey block of flats.
10. Opposite the site, and within the CA, is a former public house building, the White Hart. This building is identified as a non-designated heritage asset within the Minet Conservation Area Character Appraisal. I find that the feature canted corner with distinctive first floor plaque, decorative features, dormer and sash windows each contribute positively to its character and, more widely, to the contribution the building makes to this part of the CA.
11. A monopole design, as proposed, is quite commonplace within urban areas and the mast and associated cabinets would be coloured black which would suitably match existing street furniture. I accept that, from certain vantage points, the proposed mast would be viewed against the backdrop of the taller, multi-storey block of flats which would, to an extent, reduce its visual impact in the streetscene. I also noted that, south of the junction, the road is lined with mature street and garden trees, which would provide some screening and

- softening of the development such that the visual effects of the development would be moderated in these views.
12. However, the area of footpath on which the proposed equipment would be sited is wide. Together with the landscaped area beside and the number of roads and footpaths at the junction, this provides for an open aspect to the immediate surrounds of the site. As a result, in several approaches to the site the mast would be readily apparent. Being 15 metres in height, the proposed mast would be substantially taller than the nearest street furniture and trees beside the site and would appear bulky by reason of its girth and inclusion of antennas.
 13. In views from Lilford Road, within the CA, east of the site, the proposed mast would appear as a tall, utilitarian feature next to the landscaped space and the White Hart building. It would jar with the architectural merit of the building and detract from the verdant character of the landscaped space. In views from the opposite direction, within the CA west of the junction, the proposed mast would pop-up above the roofs of buildings. Its height would contrast with the 2 and 3 storey building heights in the area, and its appearance would be at odds with the attractive facades of the buildings appearing as a harmful, conspicuous feature.
 14. For these reasons, I conclude the proposed development would have adverse visual effects upon the character and appearance of the area. As the development would be harmful in views from within the CA, appearing as an unsympathetic feature adjacent to buildings which contribute positively to the character and appearance of the CA, less than substantial harm to the designated heritage asset would be caused. Further harm would be caused to the setting of the White Hart building, a non-designated heritage asset.
 15. Having regard to paragraph 117 of the Framework, the requirement for the development to be sited in the location and form proposed should be justified.
 16. I acknowledge that the technical and operational requirements of the 5G service means that the target service area can be small. I also accept, again for technical and operational reasons, that the potential to erect antennas on existing buildings, masts or other structures can be limited and subject to constraints. However, very little evidence has been submitted in regard to why, in this case, this is not a suitable alternative. Four alternative sites are presented and discounted within the submitted evidence. It is unclear whether any would involve existing buildings or structures, the majority, if not all, would involve new ground-based installations. Existing buildings of considerable height exist close-by to both the appeal site and the area of the discounted sites. Such options have been discarded in favour of new ground-based options without evidence of clear or robust reasoning.
 17. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. These benefits, and general support for such proposals are clearly set out in the Framework. Local Planning Policies within both the London Plan, 2021 and the Lambeth Local Plan, 2021, similarly offers support to digital infrastructure expansion. I attribute significant weight to the benefits the proposed telecommunications infrastructure could deliver.
 18. However, when considering the effect of a development on the significance of a designated heritage asset, great weight should be given to the asset's

conservation. I have identified that harm to the character and appearance of the CA and thereby its significance would result. Any harm requires clear and convincing justification. Having regard to paragraph 202 of the Framework, the public benefit which would be derived from the economic and social benefits of the development would not be of such an extent that it would be sufficient to outweigh the less than substantial harm identified to the heritage asset.

19. Furthermore, in making such an assessment, I have had regard to the analysis of other alternative sites. I have found limited justification for the discounting of alternative locations and alternative development form has been provided, with little evidence submitted to support assertions that other options are unavailable or unsuitable.

Other Matters

20. The proposal may meet the International Commission guidelines on non-ionising radiation protection and may not harm the outlook of any residential occupiers, however, this lack of harm is neutral in the planning balance and does not outweigh the harm I have identified in respect of the main issues.
21. I note the appeal¹ relating to a telecommunications development in Penrose Street, Walworth. However, in that case the main issues related to whether or not the proposed mast would satisfy the limitations on height specified within the GPDO, and the effects of the proposed development upon the pedestrian environment. Unlike in this appeal, the effects of that development upon the character and appearance of the area or upon heritage assets were not main issues and therefore I find that the circumstances of that case are not very relevant to the appeal scheme.

Conclusion

22. For the reasons given above, the appeal is dismissed.

H Jones

INSPECTOR

¹ Appeal Ref: APP/A5840/W/20/3254830