



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: 12th January 2023

Appeal Ref: APP/H5960/W/22/3300011

Area of footpath lying off Trinity Road, Spencer Park, London SW18 2EE

Grid Ref Easting: 526605, Grid Ref Northing: 174447

- 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 CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2021/5474, dated 30 November 2021, was refused by notice dated 25 January 2022.
 - The development proposed is a 15m high 'slim line' streetpole with built-in cabinet and 3no. separate equipment cabinets (colour Black RAL9005).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading above is based upon that stated on the appeal form rather than the application form as it more comprehensively describes the location of the site. I have also included the post code provided on the application form in the interests of clarity.
3. The description of the development in the banner heading is based upon that stated on the application form, however, I have omitted some superfluous elements which do not describe the development.
4. 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

5. 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.
6. Nevertheless, policies D8, HC1 and SI6 of the London Plan, 2021, policy IS3 of the Wandsworth Local Plan Core Strategy, 2016 and policies DMS1, DMS2, DMS9 and DM01 of the Wandsworth Local Plan Development Management Policies Document, 2016 are material considerations as they relate to issues of

siting and appearance. In particular, these policies seek to ensure that, in relation to telecommunications development and mobile digital infrastructure, site sharing options are fully explored, no significant effects upon the character or appearance of the area would occur and, the significance of heritage assets are conserved or enhanced. Furthermore, these policies require that development is of high quality and of a layout and form which contributes positively to the local environment, protects open space and green infrastructure, takes account of transport infrastructure and ensures that public realm is not cluttered and is safe for its users.

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

Main Issues

8. The main issues are:

- the effect of the siting and appearance of the proposed installation upon the character and appearance of the area, and whether it would preserve or enhance the character or appearance of the Wandsworth Common Conservation Area;
- the effect of the siting and appearance of the proposed installation upon the safety of highway users, particularly drivers and pedestrians; 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

Character and appearance, including Wandsworth Common Conservation Area

9. The site is located within Wandsworth Common Conservation Area (CA). A significant proportion of the CA comprises of Wandsworth Common itself (the Common), a large open space which includes parkland, playing fields, trees and lakes. Beside the open space is a fine-grained pattern of built development. Many streets are formed in the shape of grids whilst some others are crescent shaped with the frontages of properties addressing the Common itself. Traditionally designed houses which exhibit distinctive and ornate architectural detailing are prevalent within the CA. There are also large, landmark buildings such as the Royal Victoria Patriotic building, which also exhibits ornate architectural detailing. The amount of open space and the presence of mature trees within gardens and the streets themselves, provides for a verdant character. I find that the size and openness of the Common, the distinctive street patterns and architecture, and the leafiness of streets contribute to the character and appearance of the CA and its significance.
10. The appeal site forms part of a footpath beside Trinity Road and the Common. In the vicinity of the site, Trinity Road divides the Common into two parts. There is existing street furniture including lampposts and a bus stop near to the site. However, aside from street furniture, buildings are not close-by. The Common, at this point, and on both sides of the road, contains a mix of open grassland and many trees, most are mature but there are also more recently

planted trees. Surfaced footpaths cross both parts of the Common in the vicinity of the site and these are connected by an underpass. Despite the footpath, the nearby street furniture and the road, given the amount of open space and the number of trees, the immediate environs of the site provide for a leafy character to the context of the site which contributes positively to the character and appearance of the CA.

11. At 15m in height, the proposed mast would be substantially taller than the nearby street furniture and would also be bulkier in appearance by reason of its girth and inclusion of antennas. The mast would also be taller than many nearby trees and, therefore, in approaches along Trinity Road and from within the Common itself, any screening afforded by them would be limited. Therefore, the mast would appear quite dominant and intrusive in the street scene. Although much lower in height than the mast itself, the accompanying equipment cabinets would, nevertheless, by reason of their number, footprint and mass, create a bulky introduction to the footpath. In some views from the footpaths on both sides of the road, and the footpath through the Common on the opposite side of the road, the cabinets would block some views of the open space of the Common and some of the recently planted trees.
12. For these reasons, I conclude the proposed development would have adverse visual effects upon the appearance of the area. The development would detract from the openness of the Common and the verdant character of the area, which are elements which contribute positively to the character of the CA. The proposal would, therefore, fail to preserve or enhance the character or appearance of the CA.
13. The harm to the designated heritage asset would be less than substantial and, in accordance with the Framework, this must be weighed against the public benefits of the proposal. I shall return to this later in my decision.
14. The site is located within Metropolitan Open Land (MOL). MOL is afforded the equivalent protection of Green Belt land. However, the permitted development rights provided for under Part 16 of the GPDO nevertheless apply and, in prior approval appeals of this nature, only matters relating to siting and appearance are for my assessment. The principle of the proposed development within MOL, nor the determination as to whether or not the proposal constitutes inappropriate development within the MOL, is relevant in this case. Despite this, I have identified that the development would affect the openness of the Common and therefore, in turn, some harm to the openness of the MOL would also result.
15. I accept that telecommunications equipment such as that proposed are commonplace, particularly in urban areas. The submitted plans do not identify the colour finish of the mast or cabinets. There is, elsewhere within the submitted evidence, reference to the mast and cabinets being black or the mast only being black and the cabinets green. If all equipment were coloured black, this would match existing lampposts, whilst equipment cabinets coloured green would be sympathetic to the trees and grassland nearby. Regardless, I have identified particular harm that would result from the siting, height and bulk of the equipment proposed which neither sympathetic colouring nor a familiar appearance, would sufficiently mitigate.

Highway safety

16. Close-by to the appeal site is a bus stop served by a dedicated bus layby which permits buses to pull-in off the main carriageway. Alongside this bus layby and nearby to the appeal site a grass verge running alongside Trinity Road ends and the paved footpath widens. Much of the street furniture along this stretch of Trinity Road is located within the grass verge. To the south of the site is a junction where, on both sides of Trinity Road, are existing telecommunication mast installations.
17. Although the siting of the proposed equipment would narrow the footpath, it would do so for only a short length. The proposed equipment would be sited on a section of the footpath where it is particularly wide given the absence of the grass verge, which is present farther north and south of the appeal site. I accept that during times of servicing the cabinet doors may be opened which would narrow the useable area of the footpath, but this would be likely to occur only infrequently. With much of the existing street furniture beside Trinity Road being located within the grass verge rather than the footpath, it causes no narrowing of the footpath and, therefore, this limits the potential for any cumulative narrowing effects with the proposal. For these reasons, the development would cause no significant impediment to pedestrian movements nor adversely affect pedestrian safety.
18. Given the number of lampposts, road signs and trees alongside the road, drivers on Trinity Road will already encounter many street features close to the road including those which are of quite significant height. Given that two telecommunication mast installations are already in situ at the junction south of the site, such equipment is already in the area. Furthermore, the equipment proposed is sited at the back of the footpath and farthest from the carriageway. Consequently, the development would not appear as a particularly unexpected feature beside the road nor one unduly distracting. Given these factors and in the absence of specific or compelling evidence as to why the equipment proposed would distract motorists, particularly bus drivers pulling in or out of the bus stop layby, I find that no harmful effects upon highway safety would result.
19. Finally, I note that the plans show that a crane may be located within the bus layby to facilitate the construction of the development whilst there may also be affects upon a section of the footpath during construction. However, such disruption would be likely to be short-term in nature and, furthermore, I have no substantive evidence before me that appropriate temporary provisions could not be put in place to adequately cater for the construction of the development.

The availability of alternatives

20. 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.
21. 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. All 6 alternative sites considered would appear to involve new ground-based installations. Very close-by to

alternative site D6 are two existing mast installations and no substantive evidence is before me as to why site sharing is not a feasible option. Options to house the antennas on existing structures such as the aforementioned masts have been discarded in favour of new ground-based options without evidence of clear or robust reasoning.

Other Matters

22. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. These public benefits, and general support for such proposals are clearly set out in the Framework. Content within both the London Plan, 2021 and the Wandsworth Local Plan Development Management Policies Document, 2016 similarly offers support, in principle, to digital infrastructure expansion. I attribute significant weight to the benefits the proposed telecommunications infrastructure could deliver.
23. I note the appeal¹ relating to a telecommunications development in Penrose Street, Walworth. As I have found in this appeal, in that case the Inspector concluded no unacceptably harmful effects upon the safety of pedestrians would result. Unlike in this appeal, however, the effects of that development upon the character and appearance of the area and heritage assets, and whether alternative siting options had been adequately explored were not main issues, and therefore I find that the circumstances of that case are not very relevant to the harm which I have identified in the proposal.

Conclusion

24. In the first main issue I have identified that harm to the character and appearance of the area would result and this would extend to less than substantial harm to the character or appearance of the CA. The Framework confirms that great weight should be applied to the conservation of designated heritage assets and, furthermore, that 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.
25. 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 development form has been provided, with little evidence submitted to support assertions that other options are unavailable or unsuitable.
26. For the reasons given above, the appeal is dismissed.

H Jones

INSPECTOR

¹ Appeal Ref: APP/A5840/W/20/3254830