



Appeal Decision

Site visit made on 16 December 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23/01/2023

Appeal Ref: APP/P5870/W/22/3294956

Land at junction of Wrythe Lane and Westminster Road, London SM5 2RX

- 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 (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
- The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of the Council of the London Borough of Sutton.
- The application Ref DM2021/01565, dated 18 July 2021, was refused by notice dated 24 September 2021.
- The development proposed is a 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works, at Wrythe Lane, Westminster Road, London SM5 2RX in accordance with the terms of the application, Ref DM2021/01565, dated 18 July 2021, and the plans submitted with it, including 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Elevation A; 210 Proposed Site Plan; 260 Proposed Elevation; 303 Proposed Antenna Schedule & Line Configuration; 305 Equipment Schedule & Support Structure Details.

Procedural Matters

2. I have slightly amended the address of the appeal proposal clarify the site is at the junction of the two streets named on the application form.
3. The provisions under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO 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, having regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to the matters of siting and appearance.

Main Issues

4. Having regard to the above, and the Council's reason for refusal, the main issues in this case is the effect of the siting and appearance of the proposal on the character and appearance of the area 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

5. The proposed monopole and associated cabinets would be located in a line at the back of the footway/cycle lane and within an open grassed area at the junction of Wrythe Lane and Westminster Road. The monopole, at 15m in height, would be a significant structure that would be highly visible in the street scene given the proposed location in an area of open space by a junction. There are some mature trees to the north of around the same height, but these would only offer partial screening of the monopole in longer distance views from the north looking south. Elsewhere, the monopole would exceed the height of other features, such as street lighting poles, and also would appear bulkier and more conspicuous. The overall massing of the structures would be added to by the presence of the cabinets, which I accept are permitted development by themselves, but which are not likely to be installed without the monopole. Thus, it is reasonable to consider the cumulative impact.
6. When considering the wider surroundings, the proposal would be located alongside a wide, main thoroughfare in Wrythe Lane. Although lined with residential buildings, these are set back from the road, resulting in the road itself being the dominant feature through the area, with multiple forms of street furniture visible, along with the aforementioned street trees that help to filter longer distance views. I also saw Wrythe Lane to be a busy road in terms of traffic and on-street parking, with a small commercial area to the south being a focus of activity.
7. Therefore, whilst the size of the proposed equipment would exceed that of other structures, it would be located within a busy road corridor where other functional structures are visible, and where the particular pattern of street trees would lessen the prominence of the monopole in longer views, limiting its impact to its immediate surroundings. Its location within the grassed area would also provide a degree of separation from the nearest dwellings on Westminster Road. However, I accept that it would introduce utilitarian structures into a part of the public realm that, although not used for recreational purposes, is an area of green open space that contributes positively to the appearance of the area.
8. Taking these considerations together, I find that due to its conspicuous height and form, and position within green open space, the siting and appearance of the proposal would cause harm to the character and appearance of the area. However, given the surrounding context of a busy urban road corridor, the scale of this harm would be limited. So far as they are relevant to the appeal as material considerations, there would be a degree of conflict with Policies 23 and 28 of the Sutton Local Plan (February 2018) which require high quality design that respects and responds to local character, and that the siting of telecommunications development is not intrusive in the street scene. There would also be conflict with the Framework's expectation that new electronic communications equipment should be sympathetically designed.

Alternative Locations

9. Paragraph 117 of the Framework advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this

includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

10. I note the other sites considered by the appellant and recognise that the search areas are guided by operational requirements to fill gaps in network coverage and other technical and locational requirements. In this case, the appellant has shown a very constrained search area around the junctions of Wrythe Lane with Westminster Road and Winchcombe Road, with two outlying options further to the north and south on Wrythe Lane. The reasons given for discounting these other locations are brief, but include the footway being shared with a cycle lane, and the site being located directly in front of housing. From my observations on site, some of these locations may have resulted in a similar degree of visual impact, but I agree that each had a constraint of some form that means none are demonstrably more suitable or less harmful than the chosen site. Consequently, I am satisfied that, in this case, a robust search and assessment of alternative sites has been undertaken, and the appeal site represents the least harmful alternative location.

Other Matters

11. The appellant has set out the economic and social benefits the rollout of 5G coverage in the area would deliver for businesses and the general public. This accords with the strong support within the London Plan and the Framework for digital infrastructure as a key part of delivering economic growth within London and nationally. The upgrading of the mobile telecommunications network through the appeal scheme would therefore deliver significant public benefits.
12. I have had regard to concerns raised in respect of disruption caused by building works to install the equipment. Notwithstanding that any such disruption would be short lived, these are not matters that are directly relevant to the considerations of siting and appearance, and so are not determinative.

Conditions

13. The GPDO does not provide any specific authority to impose conditions when granting prior approval beyond the deemed conditions for development by electronic communications code operators set out in the GPDO.

Conclusion

14. The proposal would result in limited harm to the character and appearance of the area. Set against this, there is a need for the proposal to deliver the rollout of 5G coverage and the associated economic and social benefits this would deliver. The absence of a suitable alternative site to deliver these benefits weighs significantly in favour of the proposal.
15. Overall, I conclude that these benefits would outweigh the limited harm that would be caused to the character and appearance of the area. Therefore, the appeal should be allowed and prior approval given.

K. Savage

INSPECTOR