



Appeal Decision

Site visit made on 26 January 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/H5960/W/22/3298394

Merton Road, Southfields, Greater London SW18 5SW

- 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 Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Wandsworth Council.
 - The application Ref 2021/4772, dated 18 October 2021, was refused by notice dated 9 December 2021.
 - The telecommunications installation is Proposed 19m 'slim line' phase 8 monopole with 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 provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.
3. The Council has stated that, as the four cabinets proposed as part of the scheme would have a combined volume of 5.6 cubic metres sited within a conservation area, the proposal would not be permitted development. In reaching this conclusion the Council relies on Schedule 2, Part 16, Class A, Paragraph A.1(9). However, this paragraph relates to sites of special scientific interest only, and does not limit the volume of radio equipment housing in a conservation area.
4. The description of development has been adapted from the Council's decision notice, which provided a more succinct and accurate description than the application form.
5. The appellant's submissions refer to the proposed cabinets being coloured grey. However, the submitted plans show these cabinets to be coloured green, I have made my assessment on the basis of submitted plans.

Planning Policy

6. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had

to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

7. The main issues are the effect of the siting and appearance of the proposed installation on:
- the character and appearance of the area, with particular reference to the West Hill Road Conservation Area (the CA) and Park Tavern, a non-designated heritage asset
 - the living conditions of surrounding occupiers with regard to outlook;
 - pedestrian safety; 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

8. The site is a wide open area of footpath on the north-western side of Merton Road, which is located at the boundary of and within the CA. This section of the CA is defined by a range of uses, being a mixture of commercial units with accommodation above and residential dwellings. An arrangement of streetlights lines the road with other street furniture nearby, including road signage and bus stops. Nevertheless, traditional architectural detailing remains readily visible at the surrounding buildings, providing a variety of design within the immediate area and reflecting the historic development present in the wider CA.
9. The Park Tavern is near to the site, locally listed as a non-designated heritage asset. It is an example of the more traditional design in the vicinity, such that it makes an overall positive contribution to the area. The proposed monopole would be to the west of this property. While it would reflect the slim, vertical rhythm of the nearby lampposts and road signage it would be notably greater in height, with additional bulk due to its antenna. It would tower above the surrounding trees, street furniture and consistently scaled built form. While such height and bulk may be necessary for technical and operational reasons, with monopoles and cabinets common in urban locations, it remains that the proposal would read as an unduly dominant and oversized feature in the immediate streetscene, at odds with the scale of surrounding development.
10. The proposal would be in a prominent location at the junction with West Hill Road. It would be readily visible to passing pedestrians and vehicle users as well as users of the nearby park bench. Flanked either side by street furniture, this part of the pavement reads as somewhat open, with other structures and trees set far back from the roadside. This lends a sense of spaciousness and allows views of the Park Tavern to be experienced.
11. The addition of the proposal would interrupt views of Park Tavern and disrupt the openness of the site. Although set back from the roadside and viewed against the backdrop of existing trees, it would read as an element of clutter that would visually compete with both the non-designated heritage asset and the other street furniture. It

would be awkwardly sited next to low brick walls, reducing the available circulation space and resulting in this part of the footpath feeling cramped and overdeveloped. In addition, even among other street furniture and nearby commercial uses, the incongruous scale and form of the proposal would feel overtly modern, clashing with the traditional details of nearby buildings and appearing at odds with the wider character of this section of the CA.

12. I find that the proposal would unacceptably harm the setting of Park Tavern. It would cause visual harm to the site itself and the contribution it makes to the surrounding character and appearance. As such, it would neither preserve or enhance the character or appearance of the CA. Its effect would be localised and experienced alongside a range of development. As such, it would equate to 'less than substantial' harm. For similar reasons, I find that the proposal would cause moderate harm to the significance of Park Tavern.

Living Conditions

13. The proposal would be sited across from a row of first floor residential properties at Nos. 169 to 201 Merton Road, with windows that look in the direction of the site. It would inevitably create a change in outlook experienced from many of these windows. However, direct views of the proposal would be limited to those properties immediately across from the site, with residents of other dwellings having only oblique views of the installation such that their outlook would not be unduly compromised.
14. I found that residents from Nos. 179 – 185 Merton Road would experience the greatest change in outlook due to the direct views of the proposal that they would be afforded. However, such views would not be oppressive. The intervening distance between the facing windows and the appeal site, coupled with the slimline nature of the monopole, would ensure that the proposal would not appear dominant or overbearing when viewed from these first floor properties.
15. For the reasons given I therefore find that the proposal would not cause harm to the living conditions of surrounding occupiers, with regard to outlook.

Pedestrian Safety

16. The proposal would result in an additional level of development in the immediate section of the footpath on Merton Road. It would be sited close to existing features such as the low brick walls and street bench, such that it would reduce immediate circulation space. However, while the proposal might become an inconvenience for pedestrians, it would not prevent access to this otherwise open area of the footpath or create undue safety concerns.
17. This section of the pavement is wide and proposal would be set back from the road, outside of the main footpath area used by passing pedestrians. Ample space would remain to allow navigation of the highway and the wider open space without movement or vision being unduly obstructed. Views of other footpath users would remain through the separate elements of the proposal, including from the existing bench and low brick walls.
18. For the reasons given I therefore find that the proposal would not cause harm to pedestrian safety.

Siting and Consideration of Alternative Sites

19. Paragraph 114 of the Framework makes it clear that planning decisions should support the expansion of electronic communications networks, including 5G. This is also acknowledged by other documents provided¹ with the appeal. Paragraph 117 of the Framework further states that applications for electronic communications development, including for prior approval under the GPDO, 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 existing buildings, masts, or other structures.
20. The appellant has outlined that the proposal would aid expansion of communications networks by addressing current insufficient capacity in the immediate area, and would generate other potential socio-economic benefits by, for example, supporting home working with a high speed communications service in a residential area. I have had regard to these benefits, which attract weight in my assessment.
21. The appellant has provided a figure labelled as showing the intended cell/ target area relative to other sites in the locality. However, the overall extent of this figure remains unclear. No detailed explanation of its content or key as to what the figure shows has been provided. As such, the extent of, or justification for, the target search area or the precise area within which the apparatus would need to be sited to address any gap in coverage, is not readily apparent. Consequently, on balance, it is difficult to be certain as to the extent or robustness of the assessment of alternative sites.
22. Certain alternative locations for the siting of the proposal have been assessed, which are discounted by the appellant with reasonable justification, leading to a conclusion that there is no suitable alternative site that would be available to fulfil the identified need. However, on the information before me, I cannot be certain that other suitable alternative sites have been fully and robustly considered.

Balance

23. I have found that the proposal would not result in harm to the living conditions of surrounding occupiers with regard to outlook or to pedestrian safety. This represents a lack of harm, which is neutral in the overall planning balance. However, I have identified that the proposal would result in less than substantial harm to the CA. Due to the location of the site within the CA, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area. In addition, I have found moderate harm to the significance of the Park Tavern non-designated heritage asset.
24. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 203 further states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

¹ DDCMS & MHLG 'Collaborating for digital connectivity' 2019; DDCMS Connected Growth Manual; Ofcom Online Nation 2021 Report.

25. I acknowledge the various benefits highlighted by the appellant. However, I have insufficient information to conclude an absence of suitable alternative sites. Accordingly, on the information before me, the need for the installation to be sited as proposed, taking into account any suitable alternatives, does not outweigh the harm that I have identified to the character and appearance of the area, including the moderate harm to the significance of Park Tavern and the less than substantial harm that I have identified to the CA.

Other matters

26. Comments have been received from interested parties requesting that the clothing bin adjacent to the site is removed as part of the proposal and stating a desire to take control of the maintenance of the area surrounding the appeal site to reduce anti-social behaviour. However, these matters fall outside of the consideration of the siting and appearance of the proposal before me.

Conclusion

27. For the reasons given above, I conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR