



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/22/3298396

Rectory Lane, Furzedown, Wandsworth, Greater London SW17 9PU

- 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 2021/4773, dated 18 October 2021, was refused by notice dated 8 December 2021.
 - The telecommunications installation is 18m monopole mast with cabinet base and 3 x free-standing 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 description of development has been adapted from the Council's decision notice, which provided a more succinct and accurate description than the application form.
4. 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

5. 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

6. The main issues are the effect of the siting and appearance of the proposed installation on:

- the living conditions of surrounding occupiers with regard to outlook;
- the character and appearance of the area, having regard to the non-designated heritage asset; 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

7. The site is located on the public footpath of Rectory Lane, in a residential area featuring primarily two and three storey dwellings, along with lampposts and street signage. It lies next to a paved area with various trees that marks a break in residential built form on the approach to a roundabout junction. Tooting Common Metropolitan Open Land (the MOL) is to the east of the site, being an area of public open space, including the roundabout, that is locally listed as a non-designated heritage asset.
8. The proposal would match the vertical rhythm of development of adjacent lampposts and street signage, with the monopole assimilating with the street furniture while the cabinets would match others close to the site. Nevertheless, the monopole would be of a greater height, with additional bulk due to its antenna, seen above adjacent trees. Although this is necessary for operational purposes, it would nevertheless result in the proposal appearing prominent in the surrounds. It would be readily visible to passing pedestrians and vehicle users, where it would read as a dominant in the streetscene, towering above the largely consistent scale of neighbouring development and reading as an imposing feature.
9. The proposal would be across from the MOL which, in providing a sense of openness and visual break in built form, contributes positively to the character and appearance of the vicinity. This openness is reflected in the paved area adjacent to the site, albeit that this falls outside of the MOL. While the wider MOL features mature trees and tall planting, this is notably less dense on the approach to the site, with the open nature of the roundabout affording clear views in this direction. As such, the proposal would be readily visible from this immediate section of the non-designated heritage asset, particularly during winter months. It would appear as a striking feature, contrasting with the more verdant nature of the surrounding MOL and reading as an element of visual clutter on the nearby open space.
10. Paragraph 203 of the Framework 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. In this regard it is notable that the proposal would have a localised impact on the wider MOL and would not be located within the MOL itself. Nevertheless, given its prominence at this particular section of the MOL, I consider it would cause moderate harm to the significance of the asset and the overall character and appearance of the area.

Living Conditions

11. The introduction of the proposal would be a notable addition to the immediate area given its dimensions and positioning in the footpath. Views of it would be experienced by occupiers of surrounding dwellings, including of No. 1 Chillerton Road to the south and of Nos. 147- 155 Church Lane and Nos. 114 - 114A Rectory Lane, adjacent to the paved area with east facing windows.
12. While views of the proposal would be possible from the front garden space of No. 1 Chillerton Road and from certain windows which look towards the site, due to the separation distance the proposal would not appear overbearing. An element of screening would be provided by the trees at this property, to which the street trees would also contribute, particularly during summer. In addition, although Nos. 147- 155 Church Lane and Nos. 114 - 114A Rectory Lane have east facing windows, these do not look directly towards the site.
13. The proposal would still be visible from these windows for occupiers of Nos. 147- 155 Church Lane and Nos. 114 - 114A Rectory Lane, and from their rear gardens, but would not unduly interrupt the main outlook from the associated rooms towards the MOL. This is particularly the case for the Church Lane properties that are set back from the site. Although the facing elevations of Nos. 114 - 114A Rectory Lane would be closer to the site, I noted the ground floor windows and rear gardens to be screened by fencing, while the first floor windows would still benefit from a largely open and wide outlook. Overall, the proposal would not appear overbearing from these properties or unduly impact residents' enjoyment of the associated rooms.
14. For the reasons given, the siting and appearance of the proposal would not have an adverse effect on the living conditions of surrounding occupiers with regard to outlook.

Siting and Consideration of Alternative Sites

15. 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.
16. 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.
17. 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,

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

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.

18. 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

19. I have found that the proposal would not result in harm to the living conditions of surrounding occupiers with regard to outlook. This represents a lack of harm, which is neutral in the overall planning balance. However, I have identified that the proposal would result in moderate harm to the surrounding character and appearance of the area, including to the significance of the MOL.
20. Having regard to paragraph 203 of the Framework, I acknowledge the various benefits of the scheme 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 the MOL.

Conclusion

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

C Rafferty

INSPECTOR