



Appeal Decision

Site visit made on 31 January 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/H5960/W/22/3307819

Streetworks, The Avenue, Wandsworth SW4 9AZ

- 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.
 - 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 2022/2514, dated 15 June 2022, was refused by notice dated 5 August 2022.
 - The development proposed is the installation of a 15m monopole accommodating antenna and GPS node, 3 no. equipment cabinets and ancillary development thereto.
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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 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 to be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues in this appeal are:
 - Whether the siting of the proposal would be inappropriate development on land designated as Metropolitan Open Land;
 - The effects of the siting and appearance of the proposal upon openness;
 - The effects of the siting and appearance of the proposal on the character and appearance of the area, including whether it would preserve and enhance the significance of Clapham Common Conservation Area (CCCA);

- The effects of the siting and appearance of the proposal on highway safety; and
- If the proposed development would be inappropriate, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

'Inappropriate development'

5. The proposed development would be sited on the pedestrian footway at The Avenue, a highway which intersects Clapham Common, an expansive public parkland designated as Metropolitan Open Land (MOL). Policy G3 of the London Plan (2021) and Policy DMO1 of the Wandsworth Development Management Policies Document (2016) (WDMPD) afford MOL the same status and level of protection from inappropriate development as Green Belt, requiring the Framework's tests for proposals in the Green Belt be applied to proposals affecting MOL.
6. Paragraph 149 of the Framework regards development within the Green Belt as inappropriate. The proposal would involve the installation of a mast and related cabinets. This development type would not fall within the exceptions listed at paragraphs 149 or 150 of the Framework. For this reason, siting of the proposal within MOL would constitute inappropriate development.

Effect on openness

7. The siting of masts and associated cabinets would occupy a section of pedestrian footway within the MOL. There are a range of vertical structures and features, such as trees, lighting columns and other street furniture in proximity of the appeal site. However, the proposed mast would be taller than nearby mature trees and other surrounding structures and would be highly conspicuous within the wider open and spacious landscape of Clapham Common. The proposal would not assimilate well with other vertical features in the area and would not be effectively screened by the backdrop of mature trees.
8. The spatial and visual effects of the proposal would therefore harm, and would not preserve, the openness of the MOL. In this respect I have had regard to London Plan Policy G3 and WDMPD Policy DMO1 which protect MOL from inappropriate development.

Character and appearance

9. The area surrounding the appeal site is characterised principally by the open parkland of Clapham Common which is a conservation area and has also been identified by the Council as a Locally Listed Heritage Asset (LLHA). Whilst there are statutory Listed Buildings within the CCCA, I am satisfied the appeal site is not within the setting of any specific Listed Building.
10. The Clapham Common Conservation Area Appraisal & Management Strategy states that the special interest of the CCCA, and therefore to my mind its significance, is defined by the wide, open space of Clapham Common and the often-grand houses that front onto it.

11. Whilst the appeal site is situated on the public highway, the overall character of the area is shaped principally by its relationship to Clapham Common. The area is open and spacious, with grassland and numerous trees providing the area with a generally green character despite its urban setting.
12. To the south of the appeal site, a terrace row of period properties of differing styles and architectural detailing provides visual interest and contributes positively to the character of the area. The openness of the area surrounding the appeal site provides wide views across the parkland to many grand, visually interesting and historic buildings. The proposed development would therefore be sited in a prominent and visually sensitive location.
13. I understand the appellant has sought to reduce the visual effects of the proposal, as per the requirements of paragraph 115 of the Framework, by reducing the height of the proposed mast as low as operationally possible from 20 metres to 15 metres, opting for a slimline monopole of modern design which is reduced in bulk at the head and painted to reduce its prominence, and by reducing the number of cabinets. Despite these efforts, the proposal would have a modern industrial appearance and as discussed above, the height of the mast would exceed other surrounding vertical features. The mast would experience only limited screening from nearby trees and would be visually dominant within the landscape. Furthermore, the proposal would contribute street clutter in an area that already has a number of cabinets and poles and would therefore harm the appearance of the street scene.
14. The proposed development would appear incongruous and would have a poor relationship to its open landscape setting being highly visible from long distances across the historic parkland. The appeal site is situated close to pedestrian crossings connecting two sections of parkland and, by virtue of its height and appearance, would be highly conspicuous for users of the public highway and the many footpaths which cross the parkland, converging at the pedestrian crossings.
15. For these reasons, the siting and appearance of the proposal would harm the character and appearance of the area and would fail to preserve the significance of the CCCA. Insofar as they are a material consideration, I have had regard to London Plan Policy SI6 and WDMPD Policy DMS9 which together require proposals for telecommunications infrastructure to be well-designed and suitably located, and not result in significant impacts on the character or appearance of the space in which the equipment is located, including contributing to an over accumulation of street clutter. In addition, Policy IS3 of the Wandsworth Core Strategy (2016) (WCS) and WDMPD Policy DMS1 together require proposals to ensure that the scale and appearance of the development contributes positively to local environment, is sympathetic to local landscape characteristics, avoids impact on open spaces, and minimises street clutter and visual intrusion.
16. Furthermore, I have had regard to London Plan Policy HC1 and WDMPD Policy DMS2 which support proposals which sustain and conserve the significance, appearance, character and setting of heritage assets and the surrounding historic environment.
17. Paragraph 202 of the Framework requires 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.

18. The proposal would deliver public benefits through providing an improved telecommunications network, including 5G, to the residential area west of Clapham Common. It is understood that the installation would fill a current gap in 5G service provision in the area. At paragraph 114, the Framework recognises advanced, high quality and reliable communications infrastructure as essential for economic growth and social well-being and indicates that decisions should support the expansion of electronic communications networks, including 5G. I therefore consider the benefits of the scheme could carry considerable weight.
19. The appellant's search for a site included a sequential approach which, due to the limited area covered by such masts, involved sites within a relatively small geographic area. No mast or site sharing opportunities at existing buildings or structures were identified, requiring a range of new site options be considered. Whilst the appellant indicates they attempted to seek pre-application consultation, early engagement and communication between the appellant and Council regarding the search for and appraisal of sites appears to have been very limited.
20. The appellant's statement provides a summary of other site options considered and reasons why they were discounted. A number of site options were discounted for reasons including that the installation at those locations would be too prominent in the street scene. However, the submitted evidence does not clearly indicate what criteria were applied in appraising those site options and what specific harm to the street scene would arise. Nor does the evidence fully explain why such effects would be more harmful than those I have identified in respect of the appeal site. Therefore, it is unclear what harm the discounted options generate over and above those arising from the appeal site.
21. Consequently, I am not persuaded by the submitted evidence that the appeal site represents the only and most suitable option for the siting of the proposal within the area. Therefore, I consider the harm to the significance of the CCCA is not outweighed by the public benefits of the scheme, namely the provision of improved telecommunications.

Highway safety

22. The proposed mast and cabinets would be sited at the rear of the pedestrian footway. Whilst the design of the scheme has been amended to reduce the number of cabinets and omit the wraparound cabinet, the siting of the proposal would result in a narrowing of the footway.
23. The plans indicate the width of the remaining footway available to pedestrians and other users would not fall below the minimum technical standards of Transport for London's Streetscape Guidance (2022) and therefore the proposal would not normally obstruct the free flow of pedestrians. However, when cabinet doors are opened and equipment is serviced, the footway would likely be obstructed which would pose a highway safety risk to pedestrians and vulnerable users if appropriate safety measures are not provided during maintenance periods.

24. The Streetscape Guidance also requires the width of the clear zone for pedestrian movement relate directly to the character and use of the street, and in particular the volume of pedestrians. I observed a high number of pedestrians in the vicinity of the appeal site during my site visit, who were principally accessing areas of the parkland. Narrowing the footway would place pedestrians closer to traffic at The Avenue which, during my site visit at around lunchtime, was generally heavy. Therefore, whilst the siting of the proposal would not result in a direct breach of the Streetscape Guidance's minimum standards, the proposal would alter the character of the footway and reduce its desirability for pedestrians. Having regard to the development plan, London Plan Policies T1 and T4 and WDMPD Policy DMS1 promote travel by foot and seek to avoid adverse impacts on the capacity of the transport network, including impacts on pedestrians. In addition, I have had regard to London Plan Policy T2 and WCS Policy IS3 which together seek to identify opportunities to improve the balance of space given to pedestrians and make streets calmer and more pleasant. Furthermore, WDMPD Policies DMS9 and DMT1 require proposals to be appropriately designed and provide safe suitable access to all users.
25. As discussed above, the appellant has made efforts to reduce the visual impacts of the proposal and would not include lighting or distracting features. Whilst the proposed development would be visually prominent in the landscape context, I consider there is no persuasive reason to suggest that the installation would be a distraction to drivers.

Other considerations

26. Applying the Framework's policies for Green Belt to the MOL, Paragraph 148 of the Framework indicates that substantial weight should be given to any harm. As indicated by the Framework, it is necessary to consider if harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
27. As set out above, the siting and appearance of the proposal would constitute inappropriate development which would harm the MOL's openness and would be harmful to character and appearance including the significance of the CCCA, and highway safety. Whilst the proposal would deliver public benefits through improved telecommunications, as discussed above, the evidence does not clearly demonstrate that the appeal site is the only and most suitable site option within the target area.
28. The public benefits of the scheme would not therefore clearly outweigh the harms that I have identified. Consequently, the harms which would arise from the proposal would not be clearly outweighed by other considerations and therefore the very special circumstances necessary to justify the development do not exist.

Other matters

29. Whilst I have identified specific harm from the proposal in respect of the CCCA and Clapham Common LLHA, my decision does not represent a blanket ban of electronic communications development, as prohibited paragraph 116 of the Framework.

30. I understand the appeal site was subject to a previous application for prior approval for a 20m monopole and associated cabinets¹. There is disagreement between the parties as to whether the application was a valid submission which fulfilled the requirements of the GPDO 2015 and therefore whether the site presently benefits from deemed approval. Even if I were to conclude the site benefits from deemed approval, the appellant has expressed they do not intend to implement that scheme. Consequently, I do not consider that the previous application represents a realistic fallback position.

Conclusions

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

E Dade

INSPECTOR

¹ LPA reference: 2021/3745