



Appeal Decision

Site visit made on 21 March 2023

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/P5870/W/22/3303546

Stoneleigh Avenue SWS, Stoneleigh Avenue, Sutton KT4 8XX

- 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 GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of London Borough of Sutton.
 - The application Ref DM2022/00811, dated 29 April 2022, was refused by notice dated 23 June 2022.
 - The development proposed is described on the application form as 'Proposed telecommunications installation: Proposed 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has referred to development plan policies and the National Planning Policy Framework (the Framework) in its decision notice. However, the principle of development is established by the GPDO, and the provisions of Schedule 2, Part 16, Class A of the GPDO does not require regard be had to the development plan. I have had regard to the policies of the development plan and the Framework only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

3. I am satisfied that the proposal complies with the relevant limitations and restrictions set out in the GPDO. However, development under Part 16, is subject to a condition that the prior approval of the Council must be sought for the siting and appearance of the development.
4. Consequently, the main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located within a residential suburb located a short distance from the centre of Worcester Park. The area is characterised by 2 storey dwellings aligned along Sandringham Road and Stoneleigh Avenue, with well-defined building lines, set a modest distance back from the carriageway. Whilst

- urban in character, the built environment is softened by existing vegetation located within residential gardens, areas of open space and on highway verges.
6. The proposed development would be located on a small triangular parcel of open space bounded on all sides by residential properties. The open space contains a number of mature trees, which are said to be approximately 10m high. A number of lighting columns and telegraph poles, ranging in height between 6 and 8m in height, are located within the surrounding streets.
 7. When viewed from the surrounding area the visual impact of the mast would be mitigated, to a degree, by the trees located on the open space. However, given its height, the mast would still project well above the trees, and be seen clearly against the skyline. I am in no doubt that it would be seen as a prominent feature by local residents, road users and pedestrians.
 8. I note that the mast would consist of a 15m 'slim line' phase 8 monopole and would be coloured green. Nonetheless, I find that it would be much taller and bulkier than the lighting columns and telegraph poles which lie nearby. Its height and width would set it apart from other street furniture. Consequently, I find that the proposed mast would appear as an intrusive feature that would harmfully detract from the character and appearance of the area.
 9. I have taken into account the appellant's desire to improve digital wireless, mobile coverage within the area, with new equipment that facilitates 5G coverage. In this regard I note that the Council has not disputed the appellant's need for improved coverage. I see no reason to take a different stance.
 10. In order to facilitate this improvement, the appellant has identified a number of alternative sites, which they have considered and discounted for various reasons. The Council, in their officer report, refer to the alternative sites that were considered by the appellant. For their part they have not contested the area of the search, the alternatives considered, or made alternative suggestions.
 11. I have also taken into account the alternative sites considered by the appellant, as set out in paragraph 4.5 of their statement and figure 2. Having visited the locality I accept that the options are limited. That said, I find that areas to the south of the nomination point have not been fully considered.
 12. Notwithstanding the above, the appellants indicate that had the Council weighed up the perceived levels of harm to amenity against public benefit they would have ordinarily concluded the balance was overwhelmingly in favour of support for such development.
 13. In this regard I note the support in the Framework for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also acknowledge that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.

14. For the reasons set out above, I do not consider that the appeal proposal has been sympathetically designed as required by the Framework. Moreover, I have concluded above that the development would be harmful to the character and appearance of the area, and do not consider that harm to be outweighed by the support in the Framework for high quality communications, when weighed against the development plan harm and the wider requirements of the Framework.
15. Insofar as it is a material consideration, the proposal would be contrary to the aims of Policies 23 and 28 of the Sutton Local Plan 2016-2031. Amongst other things, these policies require development not to be intrusive and designed to be of a height, scale and appearance which does not detract from the character of the area within which it is located.

Other Matters

16. Concerns have been raised about potential effects on health, particularly given the proposed masts proximity to residential properties. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
17. I have also taken into account concern, expressed by local residents, that the proposed development would result in the loss of an informal play area for children. In this regard I have no substantive evidence before me that the open space is currently being used for recreational purposes, or that the loss of a small part of space would have a significant detrimental impact on its use. Consequently, I give this matter neutral weight.

Conclusion

18. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

John Gunn

INSPECTOR