



Appeal Decision

Site visit made on 18 April 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2023

Appeal Ref: APP/H5960/W/22/3307800

Garratt Lane, London SW18 4UE

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of London Borough of Wandsworth.
 - The application Ref 2022/2977, dated 15 July 2022, was refused by notice dated 1 September 2022.
 - The development proposed is 5G telecoms installation: H3G 15m street pole with additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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 and the provisions of Schedule 2, Part 16, Class A of the GPDO 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 (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area including whether it would preserve or enhance the setting of a listed building.

Reasons

5. The appeal site relates to an area of pavement on Garrett Lane close to the junction with Swaffield Road. On this junction is a site cleared as part of a regeneration scheme comprising a medical centre and dwellings. On the opposite corner is statutory listed Earlsfield House – an imposing three and four storey building. It derives its historic and architectural significance from its original built form as a workhouse for the Wandsworth and Clapham Union.

6. Garrett Lane is mixed commercial in nature with vertical elements along the road in the form of streetlights and pockets of trees, but they are commensurate with the height of buildings in the area.
7. I acknowledge that the equipment is designed to sit in urban locations and the height proposed is required to provide sufficient coverage. However, the proposed development would appear unduly prominent and incongruously tall and out of keeping with its existing context.
8. There are existing street lights but they are low level and of a simple design with slim profiles. The proposed mast, by contrast, would be much taller, having a substantially thicker profile projecting significantly above the built form, trees and street lighting. The street trees would not provide appropriate visual mitigation on account of their limited scale and spread.
9. In certain views from the surrounding area Earlsfield House is screened by the existing built form and trees. However, in the immediate area the building is very prominent reflecting its importance as a former workhouse. The introduction of a utilitarian structure of this height would intrude into the setting of this listed building, undermining its prominence and harming its significance. In my judgement the harm to the significance of the heritage asset would be less than substantial.
10. The number and scale of the cabinets would add to the visual impact of the mast, creating a run of cabinets of varying heights and appearance. In my view, the proposal would result in a cluttered and crowded appearance narrowing the pavement. Consequently, the proposal would introduce a stark and discordant feature within the area.
11. Whilst the regeneration scheme is yet to commence above ground, I have still given it due weight in consideration of the appeal before me. The mast would be considerably prominent in close proximity to the proposed buildings standing out as an incongruous visual feature. This visual impact would be compounded by the thickness of the monopole and the antenna at the highest part.
12. For the reasons set out above I conclude that, due to its siting and appearance, the proposed development would have a harmful effect upon the character and appearance of the area and the setting of a listed building, insofar as they are a material consideration, would be contrary to the aims of Policies IS3 of the Wandsworth Local Plan (2016) and Policies DMS1, DMS2 and DMS9 of the Wandsworth Local Plan Development Management Policies Document (2016) which, amongst other things, require developments to contribute positively to local spatial character; sustain, conserve and, where appropriate enhance the setting of heritage assets and in respect of masts to ensure there is no significant impact on the character or appearance of the space in which the equipment is located.

Planning Balance

13. As set out in paragraph 202 of the Framework this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use.

14. I have found that the proposal would harm the character and appearance of the local area and would cause less than substantial harm to the significance of a designated heritage asset.
15. The Framework advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. It also outlines that the expansion of electronic communications networks, including next generation mobile technology, should be supported.
16. The mast is required to provide new 5G network coverage in the area. I note that cell coverage is constrained and there are a lack of suitable locations and site sharing is not a viable option therefore the proposed site is the only realistic option. I also acknowledge the economic and social benefits associated with such development as set out in Paragraph 114 of the Framework.
17. 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 and the desirability of sustaining and enhancing the significance of heritage assets.
18. For the reasons set out above I find that the proposal would be harmful to the character and appearance of the area including unacceptably harming the setting of a designated heritage asset. I do not consider that harm to be outweighed by the general support in the Framework for high quality communications.

Conclusion

19. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR