



Appeal Decision

Site visit made on 4 May 2023

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/H5960/W/22/3309703

Area of Footpath, Princes Way, Southfields, London, SW19 6JB

- 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 (GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of the London Borough of Wandsworth.
 - The application Ref 2022/3454, dated 16 August 2022, was refused by notice dated 7 October 2022.
 - The development proposed is 5G telecoms installation: H3G street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As this is an application for prior approval, the provisions of the 2015 Order require the local planning authority to assess the proposed development solely based on its siting and appearance, taking into account any representations received. This appeal will be determined on the same basis.

Planning Policy

3. The principle of development is established by the GPDO 2015. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. Nonetheless I have had regard to Policy IS3 of the Wandsworth Core Strategy (2016) and to Policies DMS1, DMS2 and DMS9 of the Wandsworth Development Management Policies Document (2016) (referred to in the Council's decision notice) only in so far as they are material considerations relevant to matters of siting and appearance. The National Planning Policy Framework (the Framework) is also a material consideration and include sections on supporting high quality communications.

Main Issues

4. The main issues are:
 - (a) the effect of the siting and appearance of the proposal on the character and appearance of the area and on pedestrian and highway safety and,
 - (b) 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

5. The appeal relates to part of the footway on the western side of Princes Way to the north of its junction with Weydown Close. The proposal is for a 15m high monopole with a wraparound cabinet at the base and for three additional equipment cabinets. The cabinets would be sited together in a row and the monopole just beyond these in a central position on a wide section of the footway. I concur with the Council that there is uncertainty on the location of the first cabinet as this is shown to be where an inspection chamber is located on the footway; the plans erroneously show the inspection chamber closer to the back edge of the footway.
6. About 2m to the north of the monopole's siting, the width of the footway narrows where a vegetation bed of bushes and a hedge commences. The monopole and cabinets would align with the front edge of the bed. Whilst pedestrians would be able to pass either side of the row of apparatus, the proximity of the monopole to the vegetation bed would constrain the free movement of pedestrians passing to the narrower section of footway. The row of cabinets would also form an obstruction to natural lines of pedestrian movement, particularly for groups travelling together and wheelchair users. Streetlamps, telegraph poles, street signage and postal pouch boxes are all located at the kerb edge of the footway, encouraging pedestrians to take a more central track.
7. The site is close to two schools, Linden Lodge School on the eastern side of Princes Way opposite the site and Albemarle School further south. At the start and end of the school day it is likely that there would be heavy use of the footway by pedestrians. There were also many parked cars present at the time of my afternoon site visit seemingly to pick up children leaving the schools. The cars were parked on the carriageway on the eastern side of Princes Way but on the outer edge of the footway to its western side, so as not to unduly restrict the flow of traffic. At this time parked cars severely constrained the width of footway available for pedestrians at the appeal site. The presence of the telecommunications apparatus in the locations proposed would compound pedestrian movement issues at these times.
8. In my judgement, the siting of the equipment centrally on the footway would not result in an undue obstruction to the visibility of drivers exiting Weydown Close for Princes Way. But it would unreasonably obstruct pedestrians passing on the footway without due regard to the needs of disabled people, contrary to the conditions set at A.2(d) of Part 16.
9. The Order also requires that the visual impact of the development is minimised so far as practicable. When viewed from close quarters along the footway, the cabinets and the broad base to the monopole would be unduly conspicuous, centrally positioned on the footway and directly in the line of sight of pedestrians. The siting would be counter to the more regular siting of street apparatus at the back edge or kerb edge of the footway.
10. However, in longer views, the monopole would more readily assimilate into the street scene. It would be taller and broader than the slender lamp columns and telegraph poles along Princes Way, and a little higher than nearby buildings, but comparable in height to several trees in the vicinity.

The top of the monopole would be visible in many long views along Princes Way, but the presence of the trees would help to soften its appearance, particularly as it would be sited on the inside of a gentle bend in the road. The proposal would not thereby have an undue adverse impact on longer views within the visual amenity of the street scene. Nor would the siting appear unduly prominent from the closest residential buildings in Weydown Close and King Charles Walk or from the school opposite.

11. The appellant has outlined the need for the installation to support the rollout of 5G technology and to provide additional coverage in this densely populated part of Southfields. The proposal would be in accordance with national planning guidance to enhance digital connectivity. But in my judgement, the harm I have identified would not be outweighed by the need for the installation to be sited as proposed.
12. The appellant has considered alternative locations for the installation. The search area is constrained by the cell size for 5G technology. Six alternatives have been considered in Albert Drive, Augustus Road and Princes Way. The appellant has provided reasons for discounting these alternatives in favour of the current appeal site. I examined these at my visit and would endorse the appellant's reasoning in relation to these alternatives being less suitable sites due to poor residential development relationships, unsuitable pavements and visibility splays and overhead tree cover.
13. My findings are that these alternatives are less suitable than the immediate locality around the appeal site in Princes Way, but that the harm arising from the precise siting and appearance of the installation in relation to pedestrian movements make the appeal proposal unacceptable.

Other Matters

14. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

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

Rory MacLeod

INSPECTOR