



Appeal Decision

Site visit made on 13 June 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/T5720/W/22/3299447

Holmes Road, Wimbledon, London SW19 1DZ

- 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 the Council of the London Borough of Merton.
 - The application Ref 22/P0129, dated 13 January 2022, was refused by notice dated 9 March 2022.
 - The development proposed is 5G telecoms installation: H3G Phase 8 16m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposal in the banner heading from the details given in the appeal form, the decision notice and section 1 of the original application form.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 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.

Planning Policy

4. The provisions of the GPDO do not require regard to be had to the development plan. Nevertheless, I have had regard to the policies in the Sites and Policies Plan and Policies Maps – Part of Merton’s Local Plan – 09 July 2014 (the SPP), only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area 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

6. The appeal site is an area of public footway that forms part of a dedicated pedestrian and cycle link between Holmes Road and Leyton Road. This route is bound to the west by the gardens of a 2-storey building containing residential properties. To the east lies the Leyton Road Centre, which is a day centre for adults with learning disabilities. Merton High Street is a short distance to the south and is visible from the appeal site.
7. As well as serving as a functional route incorporating street lighting columns, the site forms part of an attractive area of public realm including several mature trees and shrub planting. At the time of my visit, the area was well used by cyclists and pedestrians, as well as the wide pavements serving a purpose for social interaction. The proposed installation would sit between two raised planters adjacent to the eastern edge of the area, one of which contains a mature tree and the other contains shrubs.
8. Whilst there are some taller buildings along the adjacent High Street, the immediate surrounding buildings are predominantly single and 2-storey. As such, the proposed installation would extend significantly above their height. It would be both notably wider and taller than the adjacent street furniture and extend significantly above the mature trees. Although the pole and associated equipment cabinets would not impede pedestrian or cycle movement, they would inhibit the area's appearance and usability as a social space by effectively rendering the space between two of the raised planters unusable.
9. I acknowledge that the proposed black colour of the pole would assimilate with the surroundings to an extent, particularly the lower portion that would be within the height of the adjacent trees. However, the proposal would be of conspicuous scale that would not reflect the proportions of surrounding development. It would appear dominant and incongruous when viewed from neighbouring residential properties and publicly accessible areas, including the surrounding highway network and the neighbouring day centre.
10. For the above reasons, the proposed siting and appearance of the installation would result in unacceptable harm to the character and appearance of the area. Insofar as they are a material consideration relating to these matters, the proposal would conflict with Policies DM D1, DM D2 and DM D6 of the SPP, which together seek to ensure the benefits of an up-to-date telecommunications industry and the needs of telecommunications companies in maintaining this are balanced with minimising the environmental impact and ensuring a high quality urban environment.

Suitable alternative locations

11. The appellant has provided a plan of the intended search area, which has a radius of approximately 100 metres from a centre point to the north of the appeal site. Within the search area, 6 alternative sites have been identified.
12. It is recognised that by their nature and technical requirements, the current infrastructure to meet present day requirements can often be taller than in previous rollouts. The search area is tightly constrained, and the surrounding area densely populated. As such, it is likely that some adverse visual effects would occur whichever site within the search area was put forward. However,

given the specific sensitivities of the appeal site and the harm previously identified, the site selection process should be reviewed.

13. The reasons for discounting alternative sites D1, D2, D4 and D6 include narrow pavements, the presence of residential driveways, the presence of bridges, the presence of high voltage powerlines, and conflicts with existing pedestrian crossings, street furniture and trees. These are persuasive reasons for discounting the alternative sites. Option D7 is a 'catch all' for existing mast infrastructure in the search area. Whilst limited justification has been provided as to why these installations are not suitable for adaptation, I have no evidence to reach an alternative view.
14. Sites D3 and D5 have been discounted for the sole reason that they lie adjacent to a roadway that is subject to certain restrictions, and that issues are anticipated in respect of building and maintaining the apparatus. However, both sites lie adjacent to busy main roads that are lined by an abundance of existing apparatus including lighting columns and equipment cabinets for various forms of utilities infrastructure. In the absence of specific details regarding the proposal's programme of installation and maintenance, it would not be expected that the construction period would be particularly lengthy or that it would be subject to a notably different maintenance regime than the existing apparatus near to these sites. Moreover, even if the proposals were to cause some disruption to the function of the highway network, the likely effects would only be temporary and for a very short period. Conversely, the identified harm to the character and appearance of the area arising through the proposed installation would be felt for its entire lifetime.
15. For the above reasons, whilst I am not in possession of details to enable a direct comparison of the proposals to the alternative sites D3 and D5, I do not find the reasons for discounting these sites to be sufficiently persuasive. As such, given the level of harm previously identified, I do not find the assessment of alternative sites to be suitably robust.

Planning Balance and Conclusion

16. I acknowledge that the proposed installation would deliver significant benefits to mobile telecommunications in the area and that strong support is given to such proposals through the GPDO and the National Planning Policy Framework. However, I am provided with insufficient evidence that an alternative location could not deliver the same benefits whilst having a less harmful effect on the character and appearance of the area.
17. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR