



Appeal Decision

Site visit made on 1 August 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2023

Appeal Ref: APP/H5960/W/22/3309320

Balham Hill Street Works, Balham Hill, Wandsworth SW12 9DP

- 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 Thomas Gallivan (CK Hutchison Networks (UK) Ltd) against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2022/2932, dated 13 July 2022, was refused by notice dated 1 September 2022. The development proposed is a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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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. Submissions made under the aforementioned legislative provisions are not determined in accordance with the development plan albeit I have referred to the relevant policies insofar as they are material considerations pertaining to matters of siting and appearance. These policies relate to the Wandsworth Local Plan 2023-2038 (WLP), which was adopted during the course of the appeal, and the London Plan, 2021 (LP).

Main Issues

4. The main issues are whether the siting and appearance of the proposed development would be acceptable, with specific regard to a) the character and appearance of the area; and b) highway safety and pedestrian movement.

Reasons

Character and Appearance

5. The area around the appeal site exudes a pleasant sense of openness and spaciousness which is reinforced by a wide and largely uninterrupted pavement, limited street furniture and clutter, some mature trees and a low rise restaurant building. The proposed development would introduce a mast and three associated cabinets to the pavement. Despite such apparatus being

common to urban areas, the modern and overly industrial nature of the proposals would appear incongruous in the above context, cluttering the street and reducing the spacious qualities of the immediate area, with the mast particularly comfortably exceeding the height of nearby trees and street lamp stands. Limiting the proposed mast to fifteen metres and other equipment being painted black may limit this effect, but not sufficiently so to make it acceptable.

6. The appeal site is some distance from the grade II listed Clapham South Underground Station and deep level shelter. Its significance arises from its general appearance and historic importance. However, given the distance involved, the proposed development would not be readily visible from this area and so I am satisfied that it would not cause harm in this regard, and that it would therefore preserve the setting of the listed building and the contribution it makes to its significance.
7. The Avalon Public House is opposite the appeal site and is locally listed. The openness of the street scene allows a detailed appreciation of the building's traditional design and materials such as sash windows with brick detailing above and elaborate external lamps. The harm I have found by virtue of the incongruity of the proposed development's utilitarian appearance would therefore extend to this building, jarring with its traditionality.

Pedestrian Movement

8. While the pavement is particularly wide, the line of bicycle stands, and the two trees, effectively split the walkway into two separate areas. The proposed mast and cabinets, on one side of the pavement, would clearly represent an obstruction that currently does not exist. Their proximity to the trees and bicycle stands would result in that part of the pavement being quite narrow, and it is very likely that pedestrians, and in particular those with disabilities, would be inconvenienced when using it by unacceptably disrupting their free flow to the detriment of the safe use of this element of the highway. This issue would be exacerbated when the cabinets were being serviced with their doors open, reducing the space further.

Other Matters

9. The appellant has stated that the proposal would cause no harm in relation to the living conditions of surrounding residents. This represents a lack of harm, which is a neutral matter in the planning balance.

Balance and Conclusion

10. No mast or site sharing opportunities at existing buildings or structures have been identified. The appellant's statement provides a summary of alternative options which were discounted for reasons including narrow pavements and proximity to residential uses. However, it is not sufficiently clear what other criteria were used in the appraisal of alternatives such as whether they would cause harm in terms of the main issues of the case and subsequently whether they would be more or less harmful than development at the appeal site. I therefore attach limited weight to these matters.
11. There is support in the National Planning Policy Framework (the Framework) for high quality communications, and that advanced, high quality, reliable communication infrastructure is essential for economic growth and social well-

being. Decisions should also support the expansion of the communications network, specifically to support the roll out of 5G. Government Ministers have re-iterated this message. However, I must balance this against the requirement for equipment to be sympathetically designed and sited in the interests of the main issues, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term. I attach significant weight to these matters.

12. The siting and appearance of the proposed development would be harmful to the character and appearance of the area and unacceptably restrict the safe movement of pedestrians which would be detrimental to highway safety. For the reasons I have set out, this harm would not be outweighed by the support in the Framework for high quality communications or the appellant's consideration of alternatives.
13. Insofar as they are material to the main issues, the proposals would not be supported by Policies SI6, T1, T2, T4 and HC1 of the LP and Policies LP1, LP2, LP3, LP22, LP49 and LP50 of the WLP. Taken together, these policies seek to ensure that development, including mobile digital infrastructure, is well designed and is not visually intrusive, and that heritage assets are protected. They also seek to protect existing walking routes and ensure that they are accessible, while requiring new development to be well designed. It would also conflict with Section 8 of the Framework, as well as the Transport for London Streetscape Guidance Third Edition, 2017 Revision 1, which both have similar aims. The appeal is therefore dismissed.

C Butcher

INSPECTOR