



Appeal Decision

Site visit made on 4 March 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2024

Appeal Ref: APP/H5390/W/23/3325055

Adjacent to 316 Wandsworth Bridge Road and opposite Barton House

Wandsworth Bridge Street Works, Palace and Hurlingham, London SW6 2TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Three UK Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2022/03517/TEL56.
 - The development proposed is installation of a 17m high slim-line monopole, supporting 6no antennas, 1no wraparound equipment cabinet at the base of the monopole, 2no equipment cabinets, 1no electric meter cabinet and ancillary development thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the installation of a 17m high slim-line monopole, supporting 6no antennas, 1no wraparound equipment cabinet at the base of the monopole, 2no equipment cabinets, 1no electric meter cabinet and ancillary development thereto at land adjacent to 316 Wandsworth Bridge Road and opposite Barton House Wandsworth Bridge Street Works, Palace and Hurlingham, London SW6 2TX in accordance with the terms of the application Ref 2022/03517/TEL56, dated 26 November 2022, and the plans submitted with it including - 002 SITE LOCATION PLAN Issue A; 210 PROPOSED SITE PLAN Issue A; and 260 PROPOSED SITE ELEVATION Issue A.

Preliminary Matters

2. 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.
3. The address in the above banner heading and my formal decision is taken from the Council's decision notice as I consider this to be a more precise description of the appeal site address than that provided on the application form.
4. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Both parties, within their respective submissions had an opportunity to comment on the revised Framework. Where reference is made to

the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Planning Policy

5. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to the Framework, and the policies that I am referred to and have been provided with of the Hammersmith & Fulham Local Plan (2018) (Local Plan) and the London Plan (2021), only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issues

6. The main issues are the effects of:
- the siting and appearance of the proposed installation on the character and appearance of the area;
 - the siting and appearance of the proposed installation on highway and pedestrian safety;
 - the proposed installation on the potential future development at the neighbouring site at No. 316 Wandsworth Bridge Road;
 - the potential future development at the neighbouring site at No. 316 Wandsworth Bridge Road on the signal range of the proposed installation; and
 - in the event that any harm is identified, whether that harm would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

Character and appearance

7. The appeal site forms part of the pavement which runs along the western side of Wandsworth Bridge Road (A217), close to its junction with Hugon Road and a zebra crossing. Directly to the west of the appeal site is a vacant section of land known as No. 316 Wandsworth Bridge Road and this land is enclosed by a low brick wall with hoardings above. Further to the west, and north, of the appeal site is the Hurlingham Conservation Area (CA), although the appeal site is not located within the boundary of this CA.
8. The area of Wandsworth Bridge Road immediately to the north of the appeal site is characterised by three storey terrace properties, generally with commercial use at ground floor level and residential use above. Mature street trees line both sides of this road, and surrounding streets, and these contribute positively to the character of the wider area.
9. To the east of the appeal site, on the opposite side of Wandsworth Bridge Road, albeit set back from the highway is Barton House, a 15no. storey block of flats. To the south of this block of flats is a part-six, part-seven storey building occupying a prominent corner position close to the highway.
10. There are also numerous items of street furniture near to the appeal site, including street lighting columns, a tall digital advertisement display board, road signs, bollards, cycle storage racks and telecommunications cabinets.

11. The proposed monopole and cabinets would be positioned towards the back of the footway, adjacent to the wall and hoardings surrounding the adjoining vacant site, and would be of a functional appearance, typical of telecommunications equipment observed in urban areas. The proposed cabinets would be of a design, scale and style that is in keeping with the existing street furniture within this busy mixed-use area and being sited at the back of the footway would not, in conjunction with the monopole and other nearby features, result in a visually cluttered street scene.
12. The monopole would be seen in context with other vertical structures and furniture, mainly the nearby street lighting columns, as well as the large 15-storey residential block and part-six, part-seven storey building on the opposite side of Wandsworth Bridge Road. Nevertheless, the monopole would be noticeably taller and thicker than the adjacent street lighting columns, and the vacant adjoining site provides very little screening directly to the west.
13. The mature street trees along Wandsworth Bridge Road, and surrounding streets, would partially screen views of the proposed monopole from these footways and the 15-storey block would provide some screening when viewed from longer distances to the east. However, given its particularly significant height, its siting and utilitarian appearance, the proposed monopole would be somewhat at odds with the scale of the surrounding street furniture, especially when viewed from shorter distances close to the appeal site. The visual impact is only exacerbated by the vacant nature of the adjoining land directly to the west. As such, due to its siting and appearance the monopole would be readily visible from various locations within the immediate surrounding locality.
14. As mentioned above, the appeal site is located relatively close to, but outside the boundary of the CA. Although no statutory protection for the setting of a CA is present under the requirements of 72(1) of the Planning (Listed Buildings and Conservation Areas) Act for development outside its boundaries, the Framework requires the impact of a proposal on a heritage asset to be taken into account, including development affecting the setting of a heritage asset.
15. The CA covers an extensive area which is dominated by two large areas of open space at Hurlingham Club and South Park, surrounded by residential streets. The character, appearance, and significance of the CA in part relates to the attractiveness of these large open spaces and the mature trees, both within these open spaces and on surrounding streets, as well as from the attractive front elevations found on the surrounding Edwardian style semi-detached and terrace buildings.
16. The appeal site is proximate to the boundary of the CA and therefore falls within its setting. However, the appeal site contributes little to the significance of the designated heritage asset. This is because the site surrounds are dominated by larger and more modern buildings and structures, including the 15no. storey block of flats at Barton House, the part-six, part-seven storey building to the south and a large digital advertisement screen.
17. When viewed from the areas within the CA to the north, along Wandsworth Bridge Road, the existing mature street trees that line both sides of this highway would provide some screening of the appeal site and the proposed monopole. Furthermore, the existing 15-storey block dominates the views out of the CA from Wandsworth Bridge Road and therefore when visible the proposed monopole would appear as a subservient feature in comparison to this much larger block.

18. With regard to views from areas of the CA to the west, generally the monopole would be screened by street trees and intervening buildings set relatively close to the back of the highways. However, the monopole would still be visible from some vantage points to the west, including from sections of South Park, and even more so given the present vacant nature of the adjacent site. Nevertheless, where the monopole would be visible from these locations it would be seen against the backdrop of the aforementioned 15-storey block and therefore would not be highly prominent.
19. In terms of views towards the CA, the large 15-storey block would screen views of the proposed monopole from the east, and where this building does not provide direct screening of the appeal site it still dominates views towards the CA. Thus the smaller and slimmer monopole would have no greater impact on these views towards the CA than this existing tall building.
20. In view of the above, the appeal proposal would have a very limited affect upon the significance of the heritage asset as a whole, and would not harm the setting of the CA.
21. Notwithstanding the above-mentioned absence of harm to the setting of the CA, by reason of the siting and height of the proposed monopole, the appeal scheme would be a prominent and discordant feature which would be moderately harmful to the character and appearance of the immediate appeal site surroundings. The proposal therefore fails to comply with London Plan Policy D8 and Policies DC1, DC2, and DC10 of the Local Plan, insofar as they together seek to ensure, amongst other things, that developments be of a high standard of design that creates high quality urban environments that respect and enhance its townscape context; minimise the impact on the visual amenity, character or appearance of the surrounding area; and ensure that the public realm is well-designed. The proposal would also conflict with paragraph 119 of the Framework, where it requires equipment on new sites to be sympathetically designed.

Highway and pedestrian safety

22. As mentioned above, the proposed equipment would be located towards the rear of the pavement. During my site visit I observed that the pavement was well used by pedestrians, as was the adjacent zebra crossing.
23. The Council's concern relates to the location of the appeal scheme in relation to the junction with Hugon Road, the zebra crossing and cycle lane. The Council considers that the pavement width is average and currently allows two people to use. According to the Council the proposed monopole and associated cabinets would narrow the footway and hinder pedestrian movements, which would potentially cause conflict with cyclists and motorists.
24. The appellant has commented that, as required by the GDPO, the appeal scheme meets the required technical stipulations in respect of width clearance guidance contained within the guidance document "inclusive Mobility"¹ and I see no reason why this document should not be afforded significant weight as a material consideration.

¹ Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure. Department for Transport – Dec 2021

25. This document details that under normal circumstances a pavement width of 2m should be provided, with a width of 1.5m regarded as the minimum acceptable where there are physical constraints. However, where there are obstacles, the document explains that the absolute minimum width of a pavement should be 1m but the maximum length of such a restriction should be limited to 6m.
26. The Council have not provided any specific evidence as to where the appeal proposal would not adhere to these requirements. Furthermore, based on the plans before me and my observations on site it appears as though the appeal proposal would adhere to the widths required within this guidance document.
27. While my visit can only represent a snapshot in time, I observed a moderate amount of footfall by a variety of highway users. During this time I was able to observe users including pedestrians, those with buggies and those with disabilities traverse freely with room around them along this footway. I am not provided with detailed surveys by the Council, and there is no substantive evidence to suggest that what I saw was untypical highway operation at this time.
28. Even allowing for certain peaks of the day when there would be likely to be a significantly greater footfall around the appeal site, my view is that there would remain sufficient space between the proposed installation, existing street furniture and the kerb, to allow for unimpeded access along the footway. Pedestrians would not be required to leave this footway and enter this busy carriageway, or cycle lane, as a result of the appeal proposal, and could negotiate the area without being unduly impeded.
29. The siting of the equipment to the rear of the footway would also ensure that the views of pedestrians approaching the zebra crossing would not be impeded from drivers of vehicles or bike riders on the carriageway, and vice versa.
30. I note the Council have also commented that maintenance activities associated with the appeal scheme would further narrow the footway and limit access to the zebra crossing. However, this would be in exceptional circumstances during periods when the equipment is being serviced and on these occasions mitigation measures could be put in place to retain pedestrian safety.
31. While it might result in some very limited impedance at busier times, the installation would not significantly compromise the use of this area of the pavement, its immediate surrounds or the zebra crossing, for pedestrians and other users, and would not be likely to result in unsafe movement of users, or be harmfully prejudicial to highway safety.
32. I conclude that the siting of the appeal proposal would not have an unacceptable impact on pedestrian, cyclist and highway safety. I therefore find no conflict with paragraph 115 of the Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
33. I note the Council's reason for refusal on highway safety grounds includes reference to Policies T1 and T3 of the Local Plan, however the submission does not draw my attention to any specific element of these policies to which the appeal proposal would be in conflict. Having reviewed the wording of these policies, I find that they relate to wider strategic aims of improving transport provision, including increasing and promoting opportunities for cycling and

walking facilities as part of new development proposals, and thus are of limited relevance to this appeal proposal.

Impact on neighbouring site

34. The Council's third reason for refusal states that the appeal proposal has failed to take into account the neighbouring vacant brownfield site at No. 316 Wandsworth Bridge Road, and the appeal scheme could prejudice the potential for a future development to maximise efficient use of this land.
35. At the time this appeal scheme was refused by the Council there was a planning application² under consideration at this neighbouring site for the erection of a four-storey mixed-use development, comprising commercial and residential uses.
36. The appellant's appeal submission states that this application has subsequently been refused. The Council have not disputed this claim, or provided any update as to the present planning status of this neighbouring vacant site.
37. As such, there is limited evidence before me that there is any extant permission on this neighbouring site, the form that any such development might take, and the certainty of any such scheme being implemented. Therefore the weight that I can attribute to the impacts of the appeal proposal on potential future developments on this vacant site is limited.
38. Furthermore, I see no reason why any future scheme at this neighbouring site could not be adequately adapted around the future position of the limited amount of cabinets proposed, and that above cabinet level the mast is of a slimline profile therefore, it is not clear how this appeal scheme could materially prejudice any future efficient use of the neighbouring site.
39. Consequently, I have no substantive evidence that the appeal scheme would have a harmful impact upon the delivery of a scheme at the adjacent site. I therefore find no conflict with Policy D3 of the London Plan where it requires all development to make the best use of land and optimise the capacity for sites, and paragraph 123 of the Framework which requires decisions to promote an effective use of land in meeting the need for homes and other uses.

Impact of neighbouring site on appeal scheme

40. The Council's fourth reason for refusal asserts that the potential development of the neighbouring site could impact upon the effectiveness of the signal range of the appeal proposal. The Council comments that this may result in the need to erect additional monopoles in this area to compensate for any such loss of signal arising from the neighbouring development, in conflict with paragraph 119 of the Framework.
41. For similar reasons to those given above, given that I have been provided with limited information in respect of any extant permissions at this neighbouring site, or details of any current planning application under consideration, there is very limited evidence for me to assess how the appeal scheme could be impacted by this neighbouring site in the future. The weight that I can attribute to the impacts, if any, of any potential development at this neighbouring site on the appeal proposal is therefore very limited.

² LPA Ref: 2022/03523/FUL

42. I therefore have no substantive evidence that the siting of the appeal scheme in this location would be harmfully impacted by future developments on the adjacent site and would result in the need for additional monopoles to be erected in this area in the future. Consequently, I find no conflict with the aims of paragraph 119 of the Framework, which seeks to ensure that the number of communication masts is kept to a minimum.

Alternative sites and need

43. Paragraph 121 of the Framework states that applications for electronic communications should be supported by the necessary evidence to justify the proposed development. The submission details how the proposal is required to meet the specific identified need for improved 3G, 4G and 5G network coverage close to the junction of Wandsworth Bridge Road and Hugon Road. Existing sites in this area are struggling to cope with the demand and therefore increase capacity is required. Consequently, the target area within which the equipment can be located to meet this need is very small and I am therefore satisfied that the search area is appropriate and reasonable based upon what is before me.
44. The appellant has undertaken a search for alternative sites within the constrained cell search area, applying the sequential site selection process advocated within the Government's Code of Best Practice for Wireless Network Development in England and a more detailed analysis of alternative ground sites. These alternative sites were discounted for a number of reasons, including the footway being too narrow, location in relation to surrounding residential properties and unresolvable underground services.
45. The Council have not suggested any alternative sites. Having visited the alternative sites considered by the appellant during my site visit, based upon what I saw and the substantive evidence before me, I have no reason to doubt the legitimacy of the reasons provided as to why the alternatives were discounted in favour of the appeal site. Furthermore, it was not apparent that there were any obvious better alternative locations within the search parameters before me. The lack of better or alternative options to deliver improved coverage and capacity as needed in this area is a consideration which weighs strongly in favour of the development.
46. In view of the above, I am satisfied that the appeal proposal is justified in order to achieve the significant economic, social and environmental benefits that would arise.

Other Matters

47. The submission details how the appeal proposal would bring about significant economic, social and environmental benefits. These include but are not limited to, faster and more efficient broadband connections for businesses, educational institutes and residents in the area, better communication, better access to online services including transport information, and a reduction in the need to travel to alternative locations for a better internet connection. However, the Order is clear that the only considerations should be the siting and appearance of the proposal. The above benefits have therefore effectively been recognised by the grant of permission under Article 3(1).
48. Interested parties have raised concerns about the appeal site's location in relation to residential properties, schools, nurseries and play areas, and the

potential resulting effects on health. 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.

Conditions

49. I note the suggested conditions provided by the Council. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place. Moreover, many conditions advanced are covered by the GPDO and those that are not, are not necessary to make the development acceptable.

Planning Balance and Conclusion

50. Paragraph 118 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communication networks, including next generation mobile technology (such as 5G).
51. I have found that the siting and appearance of the proposal would result in moderate harm to the character and appearance of the area, particularly from views close to the appeal site. I have however concluded that the appeal scheme would not affect the setting of the nearby CA and would not prejudice the safety of users of the pavement or highway network. Furthermore, I have no substantive evidence to conclude that the appeal scheme would have a harmful impact upon the delivery of a scheme at the adjacent site, or that the delivery of a scheme on this adjacent site would have a harmful impact upon the proposed monopole, requiring additional monopoles to be erected in this area.
52. In view of the above, and having regard to the absence of more suitable and reasonably available less harmful alternative sites and options to provide the necessary coverage, the moderate harm arising from the siting and appearance of the proposal would be outweighed by the absence of suitable alternatives and the need for the development to be sited as proposed.
53. For these reasons, and having regard to all matters raised, I conclude that the appeal should be allowed and prior approval should be granted.

R Major

INSPECTOR