

Appeal Decision

Site visit made on 21 September 2016

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Appeal Ref: APP/H5390/W/16/3154889

Primula Street, adjacent to the junction with West Way, East Acton, London, W12 0RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by CTIL & Telefonica UK Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/00670/FUL, dated 12 February 2016, was refused by notice dated 11 April 2016.
 - The development proposed is the installation of a 12.5m high street-furniture style telecommunications column, along with 1 equipment cabinet and development ancillary thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the installation of a 12.5m high street-furniture style telecommunications column, along with 1 equipment cabinet and development ancillary thereto at Primula Street, adjacent to the junction with West Way, East Acton, London, W12 0RE. The approval is granted in accordance with the details submitted pursuant to the above Order.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The site lies within the Old Oak and Wormholt Conservation Area which is characterised by pre-2nd world war public housing built in a "cottage" style. However, the proposed pole would be adjacent to houses which appear to be of a later mid-20th Century design. The pole would be sited at the corner of Primula Street and the A40 West Way trunk road. There is a proliferation of street furniture around the site including railings along the edge of the road, tall lighting columns, a telephone box, street signs, a pole with cameras on top, bollards, and equipment boxes. Whilst taller than the other paraphernalia, I consider that the pole and the equipment cabinet would not look out of place and would blend in with the other structures.
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4. Given this context, I conclude that the proposed development would preserve the character and appearance of the conservation area. Consequently, there would be no conflict with Policy BE1 of the London Borough Hammersmith and Fulham Core Strategy, 2011; Policies DM G1 and DM G7 of the London Borough of Hammersmith and Fulham Development Management Local Plan; or Policies 7.1, 7.4 and 7.6 of the London Plan, March 2016. In combination, these policies seek to protect the built environment, townscape and neighbourhoods; and to protect the character and appearance of conservation areas and the historic environment. As I have found no harm to the Conservation Area, I also find no conflict with Paragraphs 132-134 of the National Planning Policy Framework.

Other Matters

5. I have had regard to representations from interested parties. Concerns have been raised about potential effects on health, particularly in connection with the site's location in relation to a local primary school. 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.
6. The pole would be too slim to affect light or outlook to or from neighbouring dwellings. I note neighbour's concerns about precedent but each application and appeal must be dealt with on its own particular merits and I can see no reason why allowing this appeal would lead to harmful development in the area.
7. I give little weight to the concern that the proposed development would have a detrimental effect on the value of neighbouring properties. The basic question is not whether owners or occupiers of neighbouring properties would experience financial loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings.
8. I note the comments about a lack of need for the mast but paragraph 46 of the Framework says that applications must be determined on planning grounds and decisions should not seek to prevent competition between different operators, or question the need for the telecommunications system. I have considered all other matters raised but none outweigh the conclusions I have reached.
9. The Council has suggested conditions but the GPDO does not provide any authority for imposing additional conditions beyond the deemed conditions.

Conclusion

10. Given my findings above, the appeal succeeds.

Siobhan Watson

INSPECTOR