

Appeal Decision

Site visit made on 13 September 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 3rd October 2016

Appeal Ref: APP/H5390/W/16/3151997

75 Blythe Road, Brook Green, Hammersmith, London W14 0HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vodafone Limited against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2015/05826/FUL, dated 10 December 2015, was refused by notice dated 5 February 2016.
 - The development proposed is the installation of a 5 metre high dual user flag pole radio base station housing 6 no. antennas within a GRP shroud, painted white, with 12 no. RRU's located next to the pole. There will also be 2 no. radio equipment cabinets and 1 no. electrical meter cabinet installed at ground level and ancillary development there to.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted plans detailing amendments to the proposal in particular the route of the proposed cable tray. These amended plans were produced after the Council determined the planning application in relation to this case. Given that the site is within a Conservation Area, and is therefore sensitive in terms of heritage significance and because the amendments have not been formally considered by the Council or subject to public consultation with potentially interested parties I have not taken them into account in making my decision. My decision is therefore based on the original plans that have been considered and determined by the Council.

Main Issues

3. The main issues are i) the effect of the development on the character and appearance of the Lakeside / Sinclair / Blythe Road Conservation Area (LSBCA), the character and appearance of the Brook Green Conservation Area (BGCA) and the setting of the Grade II listed Blythe House and ii) in the event that 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

4. The appeal site is situated within part of the LSBKA characterised by buildings of very similar height and massing, that also exhibit similarity in the design and spacing of windows and chimneys. Whilst the buildings are not identical in appearance the aforementioned features contribute to a sense of horizontal visual rhythm and uniformity in the street scene.
5. Seen from the east and west at distance along Blythe Road the shrouded base station column, because of its height, bulk and roof top position would, despite colouring, be seen to clearly encroach within the skyline. Viewed from the east around the junction of Masbro Road, the combination of the curve of Blythe Road, the relatively forward position of the host building in relation to the highway and its street corner location serves to exacerbate the prominence of the appeal site. This serves to make it a key focal point in the street scene which would draw the eye towards the proposed development.
6. Therefore, notwithstanding the presence of a number of domestic TV aerials rising high above rooflines and the objective of imitating the appearance of a flag pole, the base station column would appear as an incongruous and obtrusive vertical addition in a location devoid of similar linear features and with little regard to the design of its surroundings.
7. The proposal incorporates an ancillary cable tray for the development. This structure would run vertically from the flat roof down the east elevation of the host building. Despite, the intention to paint this structure to match the brickwork of the building, it would appear prominent and somewhat contrived at close range and cutting directly through the corniced edge of the roofline would appear insensitive in relation this architectural detail.
8. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the LSBKA. Taking the above factors into account I conclude that the development would cause non-substantial harm to the character and appearance of the LSBKA and I must give this significant weight in my decision.
9. In such circumstances, where harm is identified to the significance of a designated heritage asset, the National Planning Policy Framework (the Framework) requires that this harm is weighed against the public benefits of the proposal. I have considered such benefits later in my decision.
10. I have had regard to the effect of the development on the character and appearance of the BGCA. Whilst the northern boundary of the BGCA runs quite close to the appeal site, the presence of intervening properties ensures that the proposal would not result in any significant effect on the asset from this perspective. The BGCA adjoins Blythe Road further to the east of the appeal site. However at this point the proposal would be too far away to cause harm.
11. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to consider the effect of the proposal on the setting of nearby listed buildings. The Council have cited harm to the setting of Blythe House, a Grade II listed building, further to the east along Blythe Road as a reason for refusing planning permission. However,

notwithstanding seasonal leaf fall, I am satisfied that there would be sufficient screening from intervening mature street trees and that in any event this building is far enough away from the appeal site for its setting not to be harmed by the development.

12. Drawing together the various considerations above, the proposed base station would be in conflict with Policy BE1 of the Hammersmith and Fulham (H&F) Core Strategy 2011 and Policies DM G1, DM G3 and DM G7 of the H&F Development Management Local Plan 2013 which seek to secure a high quality of design; an acceptable form of development in relation to its surroundings and to protect the character and appearance of the Borough's Conservation Areas.

Alternative sites

13. The appellant has provided technical information to demonstrate how the development is necessary to improve 3G and 4G signal coverage in the locality, undisputed by the Council. The proposal would provide facilities for two telecommunication providers which would potentially contribute to reducing the proliferation of masts and which is generally recognised as good practice.
14. A range of alternative site possibilities, have according to the evidence provided also been explored. Some of these alternatives have been discounted for technical reasons and others on the basis that the respective landlords are said to be unwilling to enter an agreement with the appellant. There has been no response from another landlord in relation to the use of a further potentially suitable site that was of interest to the appellant.
15. However, the appellant has not explained the reasoning behind some of the landlords not being willing to accommodate an agreement. It is unclear from the information provided whether the decisions were in principle or on the basis that terms could not be agreed between the parties. Furthermore evidence has not been provided of written correspondence between the parties in this regard. This in addition may have enabled a view to be formed as to why one of the landlords has not responded to the appellant. I therefore conclude that satisfactory evidence has not been provided to demonstrate that the availability of alternative sites has been fully explored.

Planning Balance

16. I have taken into account the Framework sets out that the Government is strongly committed to the expansion of the electronic communications network and I attach moderate weight to this consideration. Furthermore I acknowledge that the Government in a recent ministerial statement has set out its intention to further extend permitted development rights for telecommunication development proposals.
17. The Framework also states that if a proposal meets International Commission guidelines for public exposure it should not be necessary to determine further health safeguards. The appellant has submitted evidence that demonstrates that the proposed equipment would comply with the International Commission on non-ionising radiation protection guidelines. I have not been provided with any compelling evidence to suggest that a different approach is required in this specific case. Accordingly the approach taken by the Framework does not support the health fears expressed by local residents.

18. However given that it is not possible to conclude at present that an alternative site could not be found, the need for the installation at the appeal site does not weigh significantly in favour of the development and moreover outweigh in importance the harm I have identified above.

Conclusion

19. For the above reasons and having had regard to all other matters raised, including a letter received in support of the development, the appeal should be dismissed.

Roy Merrett

INSPECTOR