

Appeal Decision

Site visit made on 14 September 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 07 October 2016

Appeal Ref: APP/H5390/W/16/3153403

Footpath on eastern side of South Black Lion Lane, junction of A4 Great West Road, Hammersmith London W6 9TJ

- 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 2015/05403/FUL, dated 13 November 2015, was refused by notice dated 12 January 2016.
 - The development proposed is the installation of a 15 metre dual user monopole and the installation of 4 no. equipment cabinets.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the Mall Conservation Area (MCA) and the setting of the Grade II* listed St. Peter's Church and St. Peter's Square Conservation Area (SPSCA).

Reasons

3. The part of the MCA where the appeal site is located is characterised by the verdant South Black Lion Lane which links the A4 Great West Road with Hammersmith Terrace and access to the north bank of the River Thames.
 4. From the southern end of South Black Lion Lane, views along the street are softened by trees and hedges culminating with the imposing and attractive landmark of St. Peter's Church immediately to the north of the Great West Road and towards which the eye is naturally drawn.
 5. The combination of mature trees and older buildings including The Black Lion public house and St. Peter's Church give the lane a quiet village-like character whilst helping to mask or draw attention away from the busy Great West Road. I do not concur with the appellant that the presence of that road marks the boundary to the setting of the church. Rather it was evident from my visit that the vista of the church in the context of South Black Lion Lane forms a key part of its setting.
 6. The proposed monopole, because of its height and bulk would be seen as a strident imposition within the street scene. Depending on the viewpoint along
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South Black Lion Lane and notwithstanding the intervening Great West Road which passes between the two sites, the monopole would be seen adjacent to or encroaching in front of the church tower. Either way, the functional and industrial design of the monopole including the thickness of its shroud would appear severely incongruous with the church tower against which because of its proximity it would compete for attention.

7. Seen from locations to the east and west along the Great West Road views of the mast would be mitigated to a degree by various linear structures including street lighting columns and tall trees. Furthermore from this perspective the eye tends to be heavily drawn by the alignment of the road and the continuous stream of traffic using it. The limited impact of the proposal from this perspective would not however mitigate or outweigh the harm I have identified above.
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 MCA. Furthermore in accordance with Section 66(1) of the same Act I have a duty to consider the effect of the proposal on the setting of nearby listed buildings.
9. Taking the above factors into account I conclude that the development would cause substantial harm to the character and appearance of the MCA. It would also cause substantial harm to the setting of the Grade II* listed St. Peter's Church and accordingly to the setting of the SPSCA within which the church is located. I must give this significant weight in my decision.
10. In such circumstances, where substantial harm is identified to the significance of a designated heritage asset, the National Planning Policy Framework (the Framework) advises that consent should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm. I have considered such benefits later in my decision.

Alternative sites

11. 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.
12. A range of alternative site possibilities, have according to the evidence provided also been explored. Some of these alternatives have been discounted on the basis that the respective landlords have not responded to approaches from the appellant. However the appellant has not provided evidence of written approaches to the parties which may have enabled a view to be formed as to why responses were not forthcoming.
13. It would also appear that the use of a potentially suitable nearby alternative site has been discounted on the basis of the parties being unable to agree terms. However in the absence of any further details being provided on the disputed terms it is not possible to reach a view as to whether this alternative was reasonably explored.

14. I therefore conclude that satisfactory evidence has not been provided to demonstrate that an alternative site is not available.

Other Matters

15. The appellant has drawn my attention to a recent appeal decision (Ref APP/R5510/W/16/3143922) where permission was granted by the Inspector for the installation of a similar mast. However from the limited information provided, there appear to be differences between the two cases including that in the aforementioned decision, the setting of a listed building does not appear to have been at issue. I therefore attach very limited weight to that decision.

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 that this objective is echoed in the London Plan. I also recognise that the Council's Core Strategy supports enhancing community safety and that mobile phone connectivity can contribute to this objective. I attach moderate weight to these considerations. 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 substantial harm I have identified above.
19. In consideration of the above, the proposed mast would be in conflict with Policies 7.1, 7.4 and 7.6 of the London Plan 2015, Policy BE1 of the Hammersmith and Fulham (H&F) Core Strategy 2011 (CS) and Policies DM G1 and DM G7 of the H&F Development Management Local Plan 2013 (LP) 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.

Conclusion

20. For the above reasons and having had regard to all other matters raised the appeal should be dismissed.

Roy Merrett

INSPECTOR