



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: 13 October 2016

Appeal Ref: APP/H5390/W/16/3152668

Footpath on western side of Paddenswick Road W6 0UB

- 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 2015/06099/FUL, dated 21 December 2015, was refused by notice dated 25 February 2016.
 - The development proposed is the installation of a 12.5 metre dual user replica telegraph monopole and the installation of 1 no. equipment cabinet.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the effect of the development on the character and appearance of the Ravenscourt and Starch Green Conservation Area (CA) 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

3. The part of the CA in which the appeal site is located is characterised by a busy street, Paddenswick Road, flanked by buildings that vary in scale and design. Mature trees and hedges are prominent in extensive views along Paddenswick Road and deep into Ravenscourt Park, the eastern boundary of which adjoins the highway. These features visually enhance the CA softening the built environment with a rich greenery.
 4. The proposed installation would be adjacent to a gap in built development and line of mature trees which mark the boundary of Ravenscourt Park. Whilst it could be finished in a subdued colour, viewed from along Paddenswick Road to the north, the monopole installation due to its height and bulk would nevertheless appear as a stark and imposing feature incongruous with its softer open verdant background.
 5. From along the same road to the south the structure would be visually absorbed to a degree by tall trees at the edge of the park, however the benefits of this affect would be reduced during the winter months.
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6. In this location, thinner and less visible lighting columns would have only a very limited effect in terms of blending the height and bulk of the proposed monopole into its surroundings.
7. 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 CA. Taking the above factors into account I conclude that the development would cause non-substantial harm to the character and appearance of the CA and I must give this significant weight in my decision.
8. 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.
9. Drawing together the considerations above, the proposed development 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.

Alternative sites

10. The appellant has provided technical information to demonstrate how the development is necessary to improve 3G and 4G signal coverage in the locality and would be part of a split cell requirement, 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.
11. 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 have not responded to approaches from the appellant.
12. However there has been no evidence provided of written correspondence between the parties in this regard. Had this been forthcoming it may have enabled a view to be formed as to why there have been several cases of landlords not responding to the appellant. In a further case, a potentially suitable alternative site appears to have been discounted on the basis that the building in question was undergoing refurbishment. It is unclear whether the owner of that building would rule out an agreement with the appellant once the refurbishment work is completed. I therefore conclude that satisfactory evidence has not been provided to demonstrate that an alternative site is not available.

Other Matters

13. Some third parties have objected to the proposal based on concerns that it would harm the setting of various grade II listed buildings in the locality. The Council however has not raised an objection to the scheme in this regard. I have not been presented with any evidence that would lead me to take a contrary view.

Planning Balance

14. 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 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.
15. 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.
16. 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

17. For the above reasons and having had regard to all other matters raised, including that there has been a letter of support for the development, the appeal should be dismissed.

Roy Merrett

INSPECTOR