
Appeal Decision

Site visit made on 18 October 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 4th November 2016

Appeal Ref: APP/F5540/W/16/3151836

Chiswick Railway Station, Sutton Court Road, Chiswick, London W4 3HB

- 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 Hounslow.
 - The application Ref 00176/Z/P1, dated 27 November 2015, was refused by notice dated 2 February 2016.
 - The development proposed is the installation of a 15 metre high dual user replica telegraph pole radio base station housing 6 no. antennas within a GRP shroud, painted brown with 1 no. transmission dish affixed to the pole, with 4 no. radio equipment cabinets and 1 no. electrical meter cabinet installed next to the pole, enclosed by a 2.1 metre high palisade fence and ancillary development thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a 15 metre high dual user replica telegraph pole radio base station housing 6 no. antennas within a GRP shroud, painted brown with 1 no. transmission dish affixed to the pole, with 4 no. radio equipment cabinets and 1 no. electrical meter cabinet installed next to the pole, enclosed by a 2.1 metre high palisade fence and ancillary development thereto at Chiswick Railway Station, Sutton Court Road, Chiswick, London W4 3HB in accordance with the terms of the application, Ref 00176/Z/P1, dated 27 November 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 100 issue B, 201 issue B and 301 issue B.
 - 3) The development hereby permitted shall be removed from the land as soon as reasonably practicable after it is no longer required for electronic communications purposes.

Preliminary Matter

2. The Council's reason for refusal erroneously makes reference to the Wellesley Road Conservation Area. This proposal is located within the Chiswick House Conservation Area, and is adjacent to the Grove Park Conservation Area.
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Main Issue

3. Whether the proposal would preserve the character and appearance of the Chiswick House Conservation Area, including preserving the setting of the grade II listed Chiswick Railway Station.

Reasons

4. The proposal is located in a narrow section of land, containing trees and vegetation and bound by a chain link fence, between the footway pavement along Sutton Court Road and the railway platform at Chiswick Station. The immediate context is a vegetated pocket of land surrounded by various elements of street furniture and features, such as street lamps, a bus shelter, parked cars and the marked out asphalt on the highway. The wider backdrop includes the railway line and associated infrastructure and the various installations associated with this, such as the railway footbridge and the timber taxi office.
5. The listed Chiswick Railway station further to the south-east is itself surrounded by the elements associated with its function, with metal fencing, hard surfaced car parking spaces, pedestrian railings, signage and further post mounted lighting. Whilst a pleasant area generally, this location has the general clutter of facilities, such as kiosks, planters, a pedestrian crossing with belisha beacons and a post box, to be expected in the environs of a busy suburban railway station.
6. Against the backdrop of the surrounding scenes the impact of the proposed mast and associated apparatus would be moderated by the competing utilitarian elements that comprise this perceptibly busy environment. The railway line forms a strong visual barrier to the Grove Park Conservation Area situated to the south-west and this development would have no harm on its setting.
7. The significance of the Chiswick House Conservation Area, within which the development would sit, relates principally to the architectural and historic interest of the grade I listed Chiswick House and its landscaped grounds. Whilst the significance of the surrounding parts are secondary to this, and were included to protect views into and from out of Chiswick House, they nonetheless comprise areas of attractive and spacious suburban housing.
8. Although this proposal would be sited on the edge of the Conservation Area, adjacent to a railway line, the 15m high pole would nevertheless form a quite prominent feature in the views of this general area and of the Railway Station. This would fail to preserve the character and appearance of the Chiswick House Conservation Area and the setting of the grade II listed Chiswick Railway Station. As a consequence, this installation would run counter to the aims of policies CC1, CC4 and EC4 of the Hounslow Local Plan 2015-2030 to support enhanced telecommunication connectivity in a manner that protects the built character of the Borough and conserves its heritage assets.
9. However, this proposal would be set against the backdrop of the railway line and viewed in the context of its existing surrounding features. It would be located a reasonable distance away from the listed Chiswick Railway Station which would limit the harm caused to its already quite cluttered setting. The telecommunication mast would be on the opposite side of the road to the

housing along Sutton Court Road and not interrupt its spacious arrangement or directly harm the street scene. Consequently, the harm caused to the character and appearance of the Chiswick House Conservation Area and the setting of the grade II listed Chiswick Railway Station would be moderate.

10. I have applied the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and that under Section 66(1) to have special regard to the desirability of preserving the setting of a listed building. Considerable importance and weight has been given to the harm found to both the character and appearance of the Chiswick House Conservation Area and the setting of Chiswick Railway Station, with the presumption that preservation is desirable. However, for the reasons explained, the harm caused would be less than substantial. Where this is the case paragraph 134 of the National Planning Policy Framework (the Framework) requires that this harm be weighed against the public benefits of the proposal.
11. The new base station proposed would address a significant gap in the 2G, 3G and 4G coverage and capacity for both the Vodafone and Telefónica telecommunications systems, in a location largely covered by the Chiswick House and Grove Park Conservation Areas. The appellant has conducted a sequential approach that has led to the need for a new ground based installation to meet the coverage and capacity needs for this area. The site chosen would minimise the harm caused to the Conservation Area and Chiswick Station.
12. Paragraph 42 of the Framework is clear that advanced, high quality communications infrastructure is essential for sustainable economic growth. This proposal would enhance the provision of this and be of substantial benefit to homes and businesses in this area. The public benefits would in this case outweigh the moderate harm that has been found.

Other Matters

13. I have considered the further concerns expressed by interested parties. Whilst I appreciate this proposal would have some effect on the visual outlook from nearby houses, the effect would not be so overbearing as to materially harm the living conditions of any nearby occupiers.
14. Regarding potential effects on health, 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.
15. That some parties refer to already receiving a good Vodafone signal in this area would not alter the case made in respect of the 2G, 3G and 4G coverage and capacity requirements. Contrary to the wording on the Council's decision notice, this proposal would not be sited on the footpath and therefore would not cause an obstruction in this respect. The effect on property values would not be a valid planning objection.

Conditions

16. In addition to the standard time limit for commencement, it is necessary that a condition requires the development to be constructed in accordance with the approved plans. In the interests of character and appearance a condition is necessary that requires that the apparatus be removed whenever it becomes obsolete.

Conclusion

17. For the reasons set out above I conclude that this appeal should be allowed.

Jonathan Price

INSPECTOR