
Appeal Decisions

Site visit made on 27 October 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 23 November 2016

Appeal A Ref: APP/K3605/W/16/3155224

Grass verge on north side of Portsmouth Road, Thames Ditton, Surrey KT7 0XE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Vodafone Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2015/4360, dated 30 November 2015, was refused by notice dated 27 January 2016.
 - The development proposed is the installation of a 12.5 metre dual user monopole and 1 no. equipment cabinet ancillary thereto.
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Appeal B Ref: APP/K3605/W/16/3155237

Grass verge at the junction of Portsmouth Road (A307), St Leonards Road and Kings Drive, Thames Ditton, London KT7 0SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Vodafone Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2016/1480, dated 5 May 2016, was refused by notice dated 21 June 2016.
 - The development proposed is a 12.5 metre replica telegraph pole, clad with Glass Reinforced Plastic (GRP) textured with a wood effect and painted brown (BS Ref – 08 B 29).
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Decision

Appeal A Ref: APP/K3605/W/16/3155224

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the siting and appearance of the 12.5 metre dual user monopole and 1 no. equipment cabinet ancillary thereto at the grass verge on the north side of Portsmouth Road, Thames Ditton, Surrey KT7 0XE in accordance with the terms of the application Ref 2015/4360, dated 30 November 2015, and the plans submitted with it.

Appeal B Ref: APP/K3605/W/16/3155237

2. The appeal is dismissed.
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Preliminary Matter

3. The appellant has confirmed that only one of the sites proposed in Appeals A and B is required to fulfil its coverage requirements in this area. As such, it requests that one of the schemes should be allowed over the other. However, I am required to consider both schemes individually on their merits.
4. I was invited to view the location of the proposed mast under Appeal A by the occupants of a number of properties on Ditton Reach, the residential street adjacent to the site. I visited and viewed from nos. 2, 6, 10 and 31 during my site visit and have taken what I saw into account in coming to my decision.

Main Issues

5. The main issues in both appeals are whether the siting and appearance of the proposed installations would affect the character and appearance of the surrounding area and, in the event that any harm is identified, whether that harm would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

6. Both appeals relate to the provision of mobile phone base stations, comprising a 12.5m high column, topped with a total of 4 antennas within a shroud that would serve two different operators. Adjacent to the base of the column would be a cabinet that would also be shared between the operators.
7. Approval is sought for the siting and appearance of the mobile phone base stations. The Council does not dispute the need for the installation, intended to address coverage deficiencies in the local area. The appellant has supplied coverage plots to show the areas that would benefit from enhanced services as a result of the proposal. Government policy, as set out in the National Planning Policy Framework (the Framework) strongly supports the provision of high quality telecommunications infrastructure, seen as essential for sustainable economic growth and for enhanced provision of local community facilities and services. The anticipated improvements in coverage, benefitting both 3G and 4G networks, weigh strongly in favour of the proposals.

Appeal A

8. The proposed mast and cabinet would be located close to the pavement edge on the grass verge, retaining the width of the pavement for access, with the rear garden walls of properties on Ditton Reach beyond and adjacent to the trees and shrubs within those gardens and on the verge. A small part of the grass verge would be lost and some of the adjacent trees are slightly taller than the proposed mast. There is a gap in the trees and shrubs and the mast would be located within that gap and to the side of the garden of 2 Ditton Reach. To the opposite side of the road is a garage forecourt used for car sales, with three storey blocks of flats over Windmill Lane from the garage.
9. In views from Portsmouth Road, the mast and cabinet would be visible alongside the adjacent trees, bus stop and lamp posts that comprise a group of vertical features into which they would be located. Whilst the mast would be taller than most of those features other than some of the trees and would be close to the back of the pavement, given those surrounding elements it would not appear incongruous in views from Portsmouth Road. The street furniture,

including the mast and cabinet, would be spread out over a short distance such that it would not result in the roadside appearing cluttered in this location. There is a rhythm to the street lamps, but the different appearance of the mast would not materially affect this.

10. For these reasons, I conclude that the siting and appearance of the proposed installations would not harm the character and appearance of the area. Consequently, the proposed development would comply with Policy CS17 of the Elmbridge Core Strategy (CS), Policy DM16 of the Elmbridge Local Plan Development Management Plan (DMP) and those parts of the Framework that seek to protect the visual amenities of the area.
11. Properties on Ditton Reach are terraced two storey houses, with rooms within the roofspace. The main living accommodation and kitchens are located to the rear of the ground and first floor of the houses closest to the proposed mast with bedrooms on the second floor.
12. The trees are slightly taller than the proposed mast, such that they would block views of the mast from some of the gardens of properties on Ditton Reach. This location means that it would be visible against the skyline in the gap between the trees and shrubs from the rear gardens and living accommodation at 2-8 Ditton Reach and some views from the house and garden area immediately to the rear of no. 10. However, the mast would be narrow, painted grey and would be located on the pavement edge on the other side of the grass verge from the houses. Consequently, the mast would be dominated by the trees and, combined with its limited diameter and proposed colour, it would largely blend into the background.
13. Although the mast would be visible from no. 31 and its neighbours, these are located some distance away. As such, I do not accept that the siting would materially affect the outlook of occupiers of properties on Ditton Reach.
14. Whilst close to trees, the mast and cabinet would have a small footprint that would have a limited effect on the tree roots. The distance between the trees and the mast is sufficient to ensure that the trees would not require pruning to minimise their interference with the mast.

Appeal B

15. The site is located on the junction of Portsmouth Road (A307), St Leonards Road and Kings Drive, on an area of grass and planting to the centre of the junction. This is a modest area of green within the densely developed centre of Thames Ditton, which contains a number of other pieces of street furniture, including a bench, ATM housing, BT cabinet and bicycle stands. The area already appears cluttered such that the addition of a further cabinet and telecommunications mast would further harm the appearance of this area.
16. The proposed mast would be prominent in approaches from both directions along Portsmouth Road and on the approaches to the junction along both St Leonards Road and Kings Drive. Whilst it is thin, it is also substantially taller than other street furniture, including the street lamps, and taller than the closest buildings. There are no street trees that might alleviate the appearance of the mast. Consequently, it would dominate this small green area that is in a prominent position in the centre of Thames Ditton.

17. For these reasons, I conclude that the siting and appearance of the mast on the junction of Portsmouth Road (A307), St Leonards Road and Kings Drive would harm the character and appearance of the area. As such, the proposed development is contrary to Policy CS17 of the CS, Policy DM16 of the DMP and those parts of the Framework that seek to protect the visual amenities of the area, including considering clutter and poorly located street furniture.

Need and alternative sites

18. The appellant has submitted information demonstrating that there is relatively poor 3G and 4G coverage in the vicinity of the two sites proposed. This poor coverage, combined with additional demand on its systems, mean that there is a requirement for additional capacity within the search area. The Council does not dispute the need to improve network coverage in the area and I see no reason to take a different stance. I note that is disputed by occupiers of nearby dwellings, who also point to coverage maps provided for potential users of the networks that appear to contradict the maps provided by the appellant, and that they confirm there is good broadband coverage in the area, but this would not outweigh the need to improve mobile coverage identified by the appellant.
19. I have concluded that the site proposed in Appeal A would be acceptable in terms of siting and appearance. As the appellant is clear that either requirement would meet its needs, I do not need to balance the identified harm against the need for the mast in the location proposed by Appeal B.
20. The appellant has provided details of alternative locations considered for the proposed mast. I understand that it has approached a number of landowners and have provided details as to why these sites are either unsuitable or unavailable and its efforts in this regard have been reasonable. I am aware that this has been questioned by third parties, including approaches to the occupiers of some premises, but no evidence has been presented that would clearly disprove the information supplied by the appellant.
21. Alternative sites have been put forward by third parties, most of which were considered by the appellant. There is not a verge to the opposite side of the road with any substantial screening such as the trees on the verge to the north side of Portsmouth Road, so a mast in this location would be prominent within the street scene. Other locations, such as along Portsmouth Road toward the Scilly Isles roundabout, would be outside the search area, so would not meet the requirements of the appellant. Consequently, I conclude that there are no suitable alternative locations for the proposed mast and equipment cabinet.

Other matters

22. The appellant has confirmed that it has notified the owners of the verge prior to making the application. Ownership matters are a private matter between the relevant parties and not within my jurisdiction. No evidence has been provided to demonstrate that the mast would affect other telephone reception in the area. Reference has been made regarding the ecological effect of the proposed mast, particularly on bats, but no evidence has been presented to confirm that protected species are present in the area.
23. The proposed site is close to visitor attractions, such as Hampton Court Palace, the River Thames and pubs and hotels, such that visitors are likely to pass the proposed mast. Whilst it would be visible, for the reasons given above the mast

proposed in Appeal A would not be prominent and consequently would not have a material effect on historic vistas or the local economy.

24. The appellant has confirmed that vehicles required to service the site, such as cherry-pickers, would be infrequent and, should they need to do so, could safely stop at the roadside. There is limited evidence that there would be any harm to highway safety from either of the proposed sites in front of me. My attention has been drawn to potential security implications of the proposed masts, but the nature of this risk is unclear so I have given it limited weight.
25. Concerns have been raised about potential effects on health. 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.

Conclusion

26. On the basis of the above considerations, I conclude that appeal A should succeed, but appeal B should be dismissed. No conditions are necessary as the GPDO imposes relevant conditions as standard.

AJ Steen

INSPECTOR