
Appeal Decision

Site visit made on 8 November 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 29 November 2016

Appeal Ref: APP/Z5630/W/16/3154798

Corner of Kingston Road (A2043) and Westbury Road, New Malden, Kingston upon Thames, London KT3 5BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required by Schedule 2, Part 16, Paragraph A.3 of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Vodafone Ltd against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 16/14097/TEL, dated 29 January 2016, was refused by notice dated 22 March 2016.
 - The development proposed is the installation of a 12.5 metre dual user monopole and 1 no. equipment cabinet ancillary thereto.
-

Decision

1. I allow the appeal and grant approval under the provisions of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for the siting and appearance of a 12.5 metre dual user monopole and 1 no. equipment cabinet on land at the corner of Kingston Road (A2043) and Westbury Road, New Malden, Kingston upon Thames KT3 5BE in accordance with the terms of the application Ref 16/14097/TEL, dated 29 January 2016, and the plans submitted with it, subject to the following condition:
 - 1) The ancillary equipment cabinet shall be painted dark green and shall be retained as such throughout the life of the development.

Main Issue

2. The main issue in this case is the effect of the proposed installation on the character and appearance of the area.

Reasons

3. The appeal site lies on the footway at the junction of Kingston Road (A2043) and Westbury Road in front of the New Malden Baptist Church. The site forms a wide area of pavement which includes a pedestrian footway as well as a cycle path connecting the two roads. The Baptist Church has a small landscaped frontage with one large mature tree and a smaller tree. Commercial properties look onto the site from the opposite side of Kingston Road and residential properties are located to the west of the site on Westbury Road.
-

4. Approval is sought for the siting and appearance of a 12.5 metre high monopole which would support 1no. tri sector antenna and 3 no. panel antennas concealed within a cylindrical shroud integral to the upper most section of the column. In addition a single equipment cabinet would be required measuring approximately 1.9 metres by 0.8 metres with a height of 1.6 metres. The equipment cabinet would serve two operators.
5. The Council does not dispute the need for the installation which is intended to address coverage deficiencies in the locality. The appellant has provided coverage maps which show the areas that would benefit from an enhanced service as a result of the proposal. The appeal proposal would improve the 3G and 4G network which strongly weighs in favour of the location.
6. The National Planning Policy Framework (the Framework) in paragraph 46 states that if a mast meets International Commission guidelines for public exposure that it should not be necessary to determine further health safeguards. In this case the appellant has confirmed that the installation would meet these guidelines. Whilst the site is located close to residential properties on Westbury Road, in light of the approach taken by the Framework there is no need to consider this matter further.
7. The appellant has provided comprehensive details of the search that has been carried out for suitable sites in the area. These include a site at South Lane¹ which was refused by the Council and then dismissed at appeal. The Council does not dispute the appellant's conclusion that there are no other suitable sites within the search area. Whilst I note that the Inspector in the South Lane appeal questioned whether a rigorous enough site search had been undertaken, I have no reason to doubt that on the evidence before me in this case, that such a search has been carried out.
8. The Council raised concern that that the proposed installation would adversely affect the character and appearance of the area and the street scene. When viewed from Kingston Road, the monopole would be seen in the context of a busy A Class Road where there is a range of street furniture including lighting columns, road signs, bus shelters, traffic light columns and associated equipment cabins. I acknowledge that the monopole would be higher than these surrounding structures and the supporting column would be of a greater width than nearby lighting columns. However when looking in a easterly direction down Kingston Road, the monopole would be viewed against the backdrop of the Baptist Church and in a westerly direction the existing trees would provide screening. I accept that in the winter months the trees would be less effective but they would still have some value in this regard. In light of the above factors I consider that the monopole would not adversely affect the character and appearance of the area.
9. The appellant describes the equipment cabin as 'ancillary works there to', referencing that as ancillary structures the cabinet forms permitted development. However the proposal before me relates to the whole installation and therefore the cabinet should also be considered in terms of its impact on the character and appearance of the area.

¹ Planning appeal Ref APP/Z5630/W/15/3009529

10. The proposed equipment cabinet would be around 1.6 metres high. The appeal site occupies a corner position at the junction of Kingston Road and Westbury Road and has an open appearance generally free from clutter apart from the existing railings and bollards. I consider that the equipment cabin, as a result of its siting, size and height would be prominent especially when viewed from the east. It would in my view have an adverse effect on the street scene and result in a negative impact on the character and appearance of the locality. However having regard to the sites location in a mixed use area next to a classified road with other structures present, I would attach moderate weight to this harm.
11. I note that the Council does not have a specific policy in relation to telecommunications development. However Policy DM10 of the Kingston Local Development Framework Core Strategy 2012 makes reference in part t. of the Policy to the siting of a range of structures including telecommunication equipment. The Policy aims to ensure that such structures would not be visually intrusive or likely to result in an adverse effect on the character and visual amenities of the local and wider area. The appeal proposal would not accord with this Policy or with Policy CS8 which also aims to protect the character of the Borough.
12. I note that local residents have raised concern regarding highway safety fearing that the proposal would obstruct sight lines for vehicles emerging from Westbury Road. On the basis of the submitted plans, my assessment on my site visit, as well as the lack of any highway objection, I consider that the scheme would be acceptable in this regard.

Conclusion

13. I have found that the appeal proposal, in particular the equipment cabin would cause moderate harm to the character and appearance of the area and that the proposal would conflict with the development plan.
14. However I am mindful that Government policy in the Framework considers that advanced high quality communications infrastructure is essential for suitable economic growth and that such technology plays a vital role in enhancing the provision of local community facilities and services. I have also had regard to the fact that this type of equipment is standard and widely used nationally and that in this case the appellant has designed the scheme to keep the height of the mast, the number of antennas and the number of equipment cabinets to a minimum.
15. I have taken into account the benefits of the scheme in terms of shared infrastructure, the technical constraints of the network, the lack of alternative sites, the improvements in coverage and the support within the Framework for high quality communications infrastructure. Overall, I consider that these benefits would outweigh the harm I have identified to the character and appearance of the area.
16. In the event of the appeal being successful the Council have suggested a condition that the monopole and equipment cabinet be painted dark green. The appellant proposes the monopole to be grey and in his statement advises that the cabinet would be dark green. Whilst I consider it to be necessary that the colour of the installation be controlled to protect the character and

appearance of the area, the Council have not provided any evidence to justify their choice of colour. Having regard to the context of the proposal with lighting columns grey and other cabinet's dark green, I consider the appellants proposed colour scheme to be appropriate. As the submitted plans do not show the cabinet to be dark green I shall impose a condition to this effect.

17. For the above reasons, having regard to all other matters raised and subject to a condition regarding the colour of the cabinet, I consider that the siting and appearance of the proposal would be acceptable. The appeal is therefore allowed.

Helen Hockenhull

INSPECTOR