
Appeal Decision

Site visit made on 10 November 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 1 December 2016

Appeal Ref: APP/L5810/W/16/3152507
Sandy Lane, Teddington, London TW11 0DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Vodafone Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 15/5431/TEL, dated 21 December 2015, was refused by notice dated 15 February 2016.
 - The development proposed is 12.5 metre high T-Range column; 4No. shrouded antennas; associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is reference in the submissions to an appeal, Ref APP/L5810/A/06/2013754, relating to another proposed telecommunications column further along Sandy Lane, that was dismissed. Whilst I have taken account of that decision as a material consideration, that site is significantly separated from the current appeal site in terms of their respective immediate surroundings. I have in any case determined this appeal on its merits based on all of the evidence before me.

Main Issues

3. The main issues are the effect of the proposal on 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 to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

4. The GPDO 2015 sets out in Schedule 2, Part 16, Class A that development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of, amongst other things, the installation, alteration or replacement of any electronic communications apparatus, or development ancillary to radio equipment housing, is permitted development subject to certain criteria set out in paragraph A.1 and conditions set out in paragraphs A.2 and A.3. The Council has not raised any issues in respect of paragraph A.1 and I have no reason to conclude differently.
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5. However, paragraph A.3(3) states that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the monopole. My determination of this appeal relates to the Council's refusal of such approval.
6. The proposed column would, like that it would replace, be sited on the footway, very close to the roadside. There are a small number of trees set further back in the verge and behind these are a number of domestic garages in a block. Although Sandy Lane is a through road, it is nevertheless characterised by its residential nature on its northern side with the Historic Bushy Park opposite which is also a conservation area.
7. In the vicinity of the site, the street scene of Sandy Lane has a pleasant open and spacious character with the dwellings generally set fairly well back from that road. Significantly contributing to that street scene is the verdant nature of Bushy Park with its large mature trees highly visible over the roadside boundary wall. The site itself is in front of a number of domestic lock-up garages in a block. However, these too are set fairly well back from the road and their single storey form does not make them prominent features, particularly on the approaches to the site. On those approaches the site is therefore seen much more in the context of the general openness and spaciousness of the street scene and the residential properties to the east and west.
8. I acknowledge that the minimum possible width and height for the proposed column has been chosen. However, it would still stand out as having a conspicuously thicker profile and being noticeably taller than the nearby slender lamp posts and the column that it would replace, as well as another existing one further to the southeast along Sandy Lane, close to Bushy Park Road.
9. Furthermore, although the existing column that would be replaced currently introduces a degree of clutter to the street scene in fairly close proximity to the two lamp posts either side, its very similar dimensions to those existing columns enable it to assimilate with them to a large degree. That proposed, with its greater thickness and height would draw much greater attention to that fairly close relationship to those lamp posts either side, which themselves are already noticeably closer together than others nearby along Sandy Lane.
10. That more obvious cluttered appearance would be all the more apparent on the approaches to the site where the proposed thicker column would be seen in very close alignment with those other two lamp posts. Due to its proposed siting very close to the road, it would also not be significantly softened or screened by the existing roadside trees, especially in the winter months with the leaves off the trees.
11. Importantly, the proposed column would draw the eye disproportionately and significantly detract from the existing pleasant open and spacious character of Sandy Lane in the vicinity of the site. As such it would stand out as a jarring, intrusive and dominating feature, regardless of the colour of its finish. It would therefore also be unlikely, in time, to become a feature considered by onlookers to be not uncommon in the street scene or part of the urban fabric of the area.

12. For the above reasons, the proposal would cause unacceptable harm to the character and appearance of the surrounding area. As such it would not comply with policy CP7 of the Council's Local Development Framework Core Strategy and policy DM DC1 of its Local Development Framework Development Management Plan which together, amongst other things, require that all new development should recognise distinctive local character and be of high urban design quality.
13. In considering the need for the proposal, Government policy, as set out in the National Planning Policy Framework (the Framework), strongly supports the provision of high quality telecommunications infrastructure, which is seen as essential for sustainable economic growth and for enhanced provision of local community facilities and services.
14. The intended improvements in coverage weigh strongly in favour of the location, and, in this respect, I have also had regard to the search conducted by the appellant identifying a lack of less harmful alternative sites, and note that no specific alternative sites have been identified by the Council for consideration. It would also have the added benefit of having dual user capabilities. However, in this case, such benefits would not outweigh the unacceptable harm that I have found would be caused to the character and appearance of the surrounding area.
15. Concerns have been raised by local residents 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. This however does not detract from the over-riding harm that I have found would be caused to the character and appearance of the surrounding area.

Conclusion

16. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR