
Appeal Decision

Site visit made on 22 November 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 6 January 2017

Appeal Ref: APP/L5810/W/16/3157413

Pavement of Castelnau (A306), Outside West Motor Company Ltd, Barnes, London SW13 9RU

- 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 Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/2197/MOB, dated 26 May 2016, was refused by notice dated 25 July 2016.
 - The development proposed is the installation of a 12.5 metre dual user replica telegraph pole and equipment cabinet.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a 12.5 metre dual user replica telegraph pole and equipment cabinet at Pavement of Castelnau (A306), Outside West Motor Company Ltd, Barnes, London SW13 9RU in accordance with the terms of the application, Ref 16/2197/MOB, dated 26 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100_D, 200_D, 201_F, 300_D and 301_F
 - 3) Prior to the installation of the equipment, details of the colour and finish of the replica telegraph pole and equipment cabinet hereby approved shall be submitted to and approved in writing by the local planning authority, and the development shall only be implemented in accordance with the approved details.
 - 4) As soon as reasonably practicable after it is no longer required for electronic communications, the communications equipment shall be removed and the land restored to its condition prior to the development.

Main Issue

2. The main issue is the effect on the character and appearance of the area, in particular whether it would preserve or enhance the character or appearance of the Barnes Green Conservation Area and the effect on other heritage assets. In the event of harm in these respects whether any harm identified to the significance of the heritage assets is outweighed by public benefits.
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Reasons

3. The appeal site is a section of pavement adjacent to a car showroom and The Red Lion public house. On the opposite side of the road is a shopping parade with residential uses above. The site is situated at the edge of the busy commercial quarter around the junction of Castelnau, Church Road and Rocks Lane and adjacent to the residential area along Castelnau. There are a number of locally listed buildings and BTMs in the vicinity of the site, including the nearest building, No 4 Castelnau, The Red Lion public house, residential villas to the north and commercial and residential properties within the parade, opposite. Together, these assets make a positive contribution to the local townscape and are fundamental to the overall quality of the Barnes Green Conservation Area, in which the site is located. In assessing this issue I give considerable weight to the desirability of preserving the heritage assets.
4. The area around the site has a variety of uses, including residential and commercial premises in the immediate vicinity, including the modern car showroom and garage which would form the backdrop to the proposed 12.5 metre high replica telegraph pole and associated equipment.
5. The proposed monopole would be clad to replicate a telegraph pole and the equipment cabinets would be coloured green. As well as being seen against the backdrop of the modern car showroom the pole and equipment would be seen amongst a range of street furniture and other vertical structures, including flag advertisements, totem style advertisements, lighting columns and traffic lights. There is a significant quantity of street furniture in the vicinity of the site including bus shelters, bins, a telephone box, utility cabinets, information boards and other signage.
6. Although the installations would be within a relatively prominent situation within the street scene and within the local historic context, the equipment cabinets would not particularly stand out amongst the existing paraphernalia. Furthermore, although the proposed mast would be taller and thicker than other structures, its simple form would help to minimise its visual impact. Nevertheless, the introduction of new utilitarian structures on this site would add to the existing clutter in the street scene and cause some limited harm to the setting of the nearby locally listed buildings and BTMs and the character and appearance of this relatively open part of the conservation area. It would be easily seen from public vantage points on the nearby highway network as well as from nearby residential and commercial properties.
7. I conclude that the limited impact of the proposal would cause less than substantial harm to the character and appearance of the Barnes Green Conservation Area and other heritage assets. As such any harm would conflict with Policy CP7 of the London Borough of Richmond Upon Thames Local Development Framework Core Strategy 2009 (the CS), Policies DM DC1, DM HD1 and DM HD 3 of the London Borough of Richmond Upon Thames Local Development Framework Development Management Plan 2011(DMP) and adopted Supplementary Planning Documents Buildings of Townscape Merit Adopted May 2015, Barnes Village Planning Guidance December 2015 and Telecommunications Equipment June 2006. Collectively, these policies seek to preserve and enhance the character and appearance of conservation areas, protect the significance, character and setting of locally listed buildings and

- BTMs ensure high quality design that recognises local distinctiveness and contribute to places that are well used and valued.
8. Given the scale of the proposed development within the context of the conservation areas as a whole, I consider that it would cause less than substantial harm to the character or appearance of the conservation areas. In accordance with paragraph 134 of the National Planning Policy Framework (the Framework), the harm should be weighed against the public benefits of the proposal.
 9. The Framework contains clear expression of Government policy that advanced, high quality communications infrastructure is essential for sustainable social benefits and economic growth and in this respect there is encouragement to local planning authorities to support the expansion of the electronic communications networks, including telecommunications. Whilst the number of telecommunications installations should be kept to a minimum, this should be consistent with the efficient operation of the network. Where infrastructure is required, the possibility of erections antennas on an existing building, mast or other structures should be explored.
 10. In this particular case, the proposed infrastructure is needed to provide 3G and 4G services for both Vodafone and Telefonica. The proposed shared pole would provide significantly improved network coverage and capacity to this part of London and would fit in with the strategic objective of achieving a single grid network by Vodafone and Telefonica. In the future the installation would allow the decommissioning of other telecommunications infrastructure installations in the area, thus over time reducing the number of masts and associated equipment to a minimum in accordance with the Framework. The Council does not dispute the need to improve the network coverage in the area and I can find no reason to take a different stance.
 11. Furthermore, the appellant has undertaken comprehensive investigation of alternative sites that were considered and set clear reasoning why they have not been pursued. The appellant has concluded that the proposed site is the most suitable having regard to their operational requirements and the availability and suitability of other options, and the character and appearance of the area that requires improved coverage. There is no evidence that the Council has suggested alternative sites, nor is there substantive evidence before me to indicate that any are available.
 12. I therefore conclude that the proposal would deliver significant social and economic benefits to this part of London that would be unlikely to be achieved if the current appeal were to be dismissed.
 13. I have noted concern from local residents regarding the impact of the proposed installation on aircraft flying overhead. However, I have no substantive evidence to support this concern. Furthermore, it is not a material planning consideration in up to date national planning guidance.
 14. With regard to health concerns the appellant has submitted an ICNIRP certificate. Therefore, the proposal would be in accordance with the Framework and a refusal on health grounds would not be justified in this case. I have also noted concern that the proposal could impact on the business operations of the nearby car sales business. However, I have no evidence to

support this concern and see no reason why the proposal would adversely affect the operation of the adjacent business.

15. I consider that the proposed installation would be sufficient distance from Hammersmith Bridge to not harm the setting of the listed structure. Also, I have no substantive evidence to support the ecological concerns associated with the proximity of the proposed development to the WWT Wetlands Centre.
16. I have also considered the argument raised by interested parties relating to precedent. However, each application and appeal must be determined on its individual merits and generalised concerns of this nature do not justify withholding permission in this case.
17. In balancing the issues identified above I have attached significant importance to the desirability of preserving the conservation area and historic assets. Although I have found that the proposal would fail to preserve or enhance the character or appearance of the conservation area and associated heritage assets, there are clear social and economic benefits that weigh in favour of the proposal. Furthermore, there is an unchallenged need for Vodafone and Telefonica to improve their 3G and 4G coverage in the area. The matters identified above amount to public benefits which outweigh the less than substantial harm to the character and appearance of the conservation area and any harm to the setting of locally listed buildings and BTMs.

Conditions

18. The Council has suggested a list of conditions which I have considered and where necessary amended, in line with national policy and guidance. I have specified the approved plans for certainty. In the interests of the character and appearance of the conservation area and the setting of locally listed buildings and BTMs conditions controlling the colour and finish and removal of the installations are also imposed.

Conclusion

19. For the reasons given above, I conclude on balance that the appeal should be allowed.

Alastair Phillips

INSPECTOR