
Appeal Decision

Site visit made on 2 March 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 21 March 2017

Appeal Ref: APP/Z5630/W/16/3163646

Land to the west side of Park Road, Kingston-upon-Thames KT2 5LP

- 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 CTIL and Vodafone Ltd against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/12754/TEL, dated 15 July 2016, was refused by notice dated 7 September 2016.
 - The development proposed is the installation of a 10.5 metre high monopole supporting 3 no. antennas, the installation of a radio equipment cabinet and development works ancillary thereto.
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Decision

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 a 10.5 metre high monopole supporting 3 no. antennas, the installation of a radio equipment cabinet and development works ancillary thereto at land to the west side of Park Road, Kingston-upon-Thames KT2 5LP in accordance with the terms of the application Ref 16/12754/TEL, dated 15 July 2016, and the plans submitted with it.

Preliminary Matter

2. The appellant queries whether the decision to “reject” the application by the Council meets the requirements of conditions attached to Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Given my conclusions on the merits of the case as set out below, I do not need to consider this matter further.

Main Issues

3. The main issues 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.
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Reasons

4. The proposed development is for the provision of a mobile phone base station, comprising a 10.5m high column supporting a total of 3 antennas within a shroud that would serve two different operators and disguised as a telegraph pole. Adjacent to the base of the column would be a cabinet that would also be shared between the operators.
5. Approval is sought for the siting and appearance of the mobile phone base station. 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.
6. Park Road is a busy road through this suburban area of Kingston-upon-Thames. It is dominated by the trees that line the road, with lighting columns and telegraph poles that serve properties to either side of the road and are spaced regularly along the road, providing a number of vertical features and contributing toward the rhythm of the street scene. The appeal site is close to a roundabout, where most traffic turns onto Tudor Drive, although Park Road continues from the roundabout as a residential street. It is surrounded primarily by residential development, with a white painted Scout hut of simple appearance and associated open space adjacent to the roundabout.
7. The proposed mast and cabinet would be of simple utilitarian appearance, the mast replicating the appearance of a telegraph pole, located within the grass verge between the vehicular highway and pavement of Park Road outside the Scout hut and adjacent to a young street tree. Given this siting, the proposed mast and cabinet will be visible in views along Park Road from both directions and from the dwellings on the opposite side of the road. The proposed mast would be taller than the telegraph poles and adjacent Scout hut, but would not be significantly taller than the lighting columns. However, its limited height means that it would not be visible in longer views, for example from the nearby Richmond Park.
8. The spacing of telegraph poles in the vicinity, without one adjacent to the site, means that the proposed mast would reflect the verticality and rhythm of lighting columns and telegraph poles within the street scene. Being separated from other telegraph poles means that the additional height would not be clearly visible. Although there are no mature trees adjacent to the Scout hut or on the street outside to help disguise the proposed mast, there are other trees around the Scout hut that would form a backdrop to the development. On the other side of the road, and in the foreground in views from the closest residential neighbours, are other mature trees that restrict views from those properties and dominate the road at this point.
9. The cabinet at the base of the column would also be visible in views along the street, but this would be modest in size and viewed with the larger Scout hut in the background that would dominate the cabinet.

10. For these reasons, I conclude that the siting and appearance of the proposed installation would not harm the character and appearance of the area. Consequently, the proposed development would comply with Policies CS8 and DM10 of the Royal Borough of Kingston-upon-Thames Local Development Framework Core Strategy that seek to protect the suburban character of the Borough, protect landscape setting and features and safeguard local views.

Need and alternative sites

11. The appellant has submitted information demonstrating that there is relatively poor 3G and 4G coverage in the vicinity of the site 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 suggest there is adequate coverage, and that they confirm there is good broadband coverage in the area. However, these matters would not outweigh the need to improve mobile coverage identified by the appellant.
12. I have concluded that the site proposed would be acceptable in terms of siting and appearance. As such, I do not need to balance the identified harm against the need for the mast.
13. 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, but no evidence has been presented that would clearly disprove the information supplied by the appellant.
14. It has been suggested that there are other masts that may be capable of being upgraded outside the coverage area required by the appellant, but it is not clear whether these would meet the requirement identified. An alternative site at the garages to the rear of Park Road has been suggested, but these are located within an open area to the rear of a large number of surrounding houses such that the mast would be prominent in views from those properties. Consequently, I conclude that there are no suitable alternative locations for the proposed mast and equipment cabinet.

Other matters

15. 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.

16. There is on road parking in the vicinity of the proposed site that would allow access to the proposed mast and cabinet without harm to highway safety. As set out above, the mast would be of minimal width and the cabinet located a short distance from any junctions such that they would not be a distraction to road users, nor would they materially affect visibility on the approach to the roundabout and Scout hut entrance. For these reasons, neither would the proposed structures be imposing such as to be threatening. As such, the proposed mast and cabinet would not affect the personal or highway safety of users of the road.
17. I note concern that the mast may be replaced in the future with a larger structure, but that would require a separate application to be considered on its merits, as would any applications for additional masts elsewhere in the area. The issue of impact on property values has also been raised. It is a well founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conclusion

18. On the basis of the above considerations, I conclude that the appeal should succeed. No conditions are necessary as the GPDO imposes relevant conditions as standard.

AJ Steen

INSPECTOR