

Appeal Decision

Site visit made on 13 March 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/Z3635/W/16/3162686

Grass verge on northern side of Staines Road East, near junction with Harfield Road, Sunbury, Greater London TW16 5PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Vodafone Limited against the decision of Spelthorne Borough Council.
 - The application Ref 16/01333/T56, dated 4 August 2016, was refused by notice dated 19 September 2016.
 - The development proposed is a telecommunications base station described as "a 13.5 metre high T-range column, 4No shrouded antennas and associated ancillary works".
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting of a telecommunications base station described as a 13.5 metre high T-range column, 4No shrouded antennas and associated ancillary works on the Grass verge on northern side of Staines Road East, near junction with Harfield Road, Sunbury, Greater London TW16 5PU, in accordance with the terms of the application Ref: 16/01333/T56, dated 4 August 2016 and as shown on Drawing Nos 100B, 201B and 301B submitted with it.

Main Issue

2. The main issue is the effect of the proposed mast on the character and appearance of the area.

Reasons

3. The proposed mast would be sited on an area of grass alongside Staines Road East (A308) almost opposite a bus shelter which is a little to the west of the junction with Harfield Road. The area of grass has the appearance of a wide highway verge, but I understand that only a narrow strip adjacent to the pavement forms part of the public highway. The remainder is in private ownership and is part of the entrance to Kempton Park Racecourse. This open area in front of the fences which enclose the racecourse makes a positive contribution to the setting of the racecourse and the appearance of the surrounding area.
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4. The proposal follows a similar scheme for a mast which was dismissed on appeal in 2015, APP/Z3635/W/15/3010445. That scheme differed from the proposal before me in a number of respects. Firstly, it was sited further west, closer to the racecourse entrance; secondly, it was both taller and more bulky and thirdly, it also included a series of base cabinets that would have been sited alongside the mast and close to the back of the footway.
5. Although there is some vegetation partially obscuring the fence enclosing Kempton Park, the trees to the north of the grass verge are within the racecourse site. However, to the east of the site now proposed for the mast and beyond the grass verge, the fence is obscured on both sides by vegetation. Whilst the trees within Kempton Park are taller than those occupying the roadside verge, to all intents and purposes there is a significant screen of vegetation that occupies the space to the back of the footway.
6. The proposal would sit midway between two lamp columns, the eastern one of which is partially obscured by the roadside vegetation on a straight section of the A308. It would be sited where the width of the grass verge is significantly less than at the racecourse entrance. Whilst the mast would be seen by people travelling in either direction along the A308, the trees and other roadside vegetation would provide a backdrop for anyone travelling eastwards. For those travelling westwards it would be sufficiently far from the entrance to the racecourse not to appear unduly prominent.
7. Although the mast would be taller than the trees and the lamp columns, it would not appear excessively bulky or top heavy due to its restricted width, the shrouding of the antennae and its resemblance to a telegraph pole. In addition, the current proposal does not include a series of cabinets that would add to the clutter along this particular stretch of highway. In the context of the surrounding street scene, I am therefore satisfied that it would not be unacceptably visually intrusive. In coming to this view I am aware of the strength of feeling expressed by local residents who also objected to the previous location of the mast. However, I consider the current proposal has addressed the previous Inspector's concerns and is materially different from that scheme in terms of its location, size, appearance and supporting paraphernalia.
8. The need for enhanced network coverage and capacity in the area is not contested by the Council. The mast would be shared by two operators, thereby helping to minimise the requirement for additional sites. The previous Inspector was of the view that further investigation into alternatives was necessary with the aim of finding a site that achieved a better balance between the operators' requirements and the need to minimise environmental impact.
9. In support of the proposal the appellant submitted detailed evidence of the company's search for sites within the area. Information on ten alternative sites, in addition to the scheme dismissed by the previous appeal was presented with the appeal. Six of these would fail to meet the operators' requirements; two did not have the landowner's permission; one lacked space due to a development proposal and the other could not be progressed due to the presence of underground services. From all that I have read, it would therefore appear that the appeal proposal provides a reasonable balance between the requirements of the operators and the environmental impact of the mast.

10. Taking all these factors into consideration, I conclude that the siting and appearance of the proposed mast would not be materially harmful to the character and appearance of the area. It would therefore comply with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document, which seeks to ensure that new development respects the character of the area.

Other Matters

11. Local residents have continued to raise concerns about the health implications of telecommunications equipment. However, Paragraph 46 of the National Planning Policy Framework (the Framework) states that local planning authorities should not determine health safeguards if the proposal meets International Commission guidelines for public exposure to non-ionising radiation. Confirmation that the proposal would meet these guidelines was provided in this case and there are therefore no health reasons for rejecting the scheme. I have also had regard to other matters raised by local residents but find none that lead me to a different overall conclusion.

Conclusion

12. For the reasons set out above, I conclude that the appeal should be allowed. No conditions are necessary as the development order imposes relevant conditions as standard.

Sheila Holden

INSPECTOR