The Planning Inspectorate

Appeal Decision

Site visit made on 25 February 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/Z5630/W/19/3241747
Land on the west side of Park Road, Kingston Upon Thames

- 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 CTIL & Telefonica UK Ltd against the decision of the Council of the Royal Borough of Kingston upon Thames.
- The application Ref 19/01104/TEL dated 29 March 2019 was refused by notice dated 23 May 2019.
- The development proposed is the replacement of an existing 10.5m monopole for a 12.5m monopole, 2no equipment cabinets and 1no meter cabinet.

Decision

1. The appeal is allowed and planning permission is granted for the replacement of an existing 10.5m monopole for a 12.5m monopole, 2no equipment cabinets and 1no meter cabinet at land on the west side of Park Road, Kingston Upon Thames KT2 5LS, in accordance with the terms of application Ref 19/01104/TEL, dated 29 March 2019 and subject to the following conditions: -

   1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans:

100	Rev A	Site Location Maps
201	Rev A	Proposed Site Plan
301	Rev A	Proposed Site Elevation

   3) As soon as reasonably practicable after it is no longer required for electronic communications purposes the land shall be restored to its condition before any form of telecommunications development took place.

Procedural Matters

2. The Council consulted and determined the application as though it were an application made under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4). However, the scale of the proposal requires that an application for full planning permission be made for this proposal.

3. Having reviewed the officers report and the decision notice and reason for refusal I am satisfied that the proposal has been assessed as it would have been were it a planning application, with the relevant areas of concern considered and cited as a reason for refusal and the relevant development plan policies identified in the reason for refusal. I am satisfied that the LPA's decision would not alter from that which it has taken, and the application would have been refused for the same reasons of impact on the character and appearance of the area. I therefore consider that no party would be disadvantaged in my determining the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is an area of grassed highway verge lying on the western side of Park Road, a predominantly residential street. The site fronts a building used as a scout hut and lies opposite residential properties. The area is urban in nature and is not covered by any historic or other landscape designations. The site contains an existing dipole aerial 10.5 metres high and a large cabinet and lies to the south of an existing street tree.

6. The proposal would replace the existing aerial with one 12.5 metres high and add an additional 3 cabinets of varying sizes, the largest being similar to the existing cabinet, in line with the existing cabinet.

7. Whilst prominent in the street scene, the site already contains an existing aerial and cabinet, granted permission at a previous appeal[1]. The mast would be taller than the existing mast, street furnishings and nearby buildings and wider at the top than the existing mast. Taking into account the existing mast and given the distance from the nearby dwellings and lighting columns and simple design of the mast, the increased height and alteration in shape would have limited visual effect upon the area and would not appear unduly prominent or intrusive within this urban area.

8. There would be an increase in the number of cabinets, and this would, therefore, increase street clutter. However, given the existence of the existing street furniture and the positioning away from drivers' sight lines and pedestrian desire lines this increase is not so great as to constitute significant harm. Further, given their size, the appellants consider that the proposed cabinets are permitted development and I see no reason to disagree with this view.

9. The sole purpose of the proposal is to provide a telecommunications function. Should the apparatus become redundant, the structures would remain, unless removed and this would result in the accumulation of unnecessary street clutter. Had the development been provided under the GPDO 2015, standard conditions would have been attached requiring that the apparatus must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place. The existing mast is subject to such a condition, having been allowed in accordance with the GPDO 2015. The

[1] PINS Ref: APP/Z5630/W/16/3163646

removal of the equipment could be controlled by an appropriate planning condition.

10. For the above reasons, I conclude that the proposal would not result in significant harm to the character and appearance of the area. The proposal would therefore comply with Policies CS8 and DM10 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (2012) in as much as these policies, amongst other things, seek to protect the primarily suburban character of the Borough and require developments avoid locating structures, including telecommunication equipment where they will be visually intrusive and likely to result in adverse effect to the character and visual amenities of the local and wider area.

Other Matters

11. It has been queried whether there is an operational need for the proposed telecommunications equipment in this location. However, Paragraph 116 of the National Planning Policy Framework (2019) (the Framework) makes it clear that decisions on applications for telecommunications equipment should be made on planning grounds and that decision-takers should not seek to question the need for the telecommunications system.

12. Local residents have raised concerns about the health implications of telecommunications equipment. Paragraph 116 of the Framework states that local planning authorities should not set health safeguards different from the 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.

13. I have also had regard to the impact of the proposal upon highway safety, which has been raised by local residents. The proposed additional street furniture is set back in line with existing street furniture and would not obstruct the passage of persons on the adjoining footway, nor further obstruct sight lines for drivers when joining the carriageway or proceeding along the road. I note that the Council's Neighbourhood Traffic Engineer has raised no objections to the proposal on highways grounds.

Conditions

14. I have had regard to the conditions suggested by the appellants.

15. In addition to the standard conditions limiting the time for carrying out the development I have imposed a condition specifying the relevant drawings as this provides certainty.

16. I have also imposed a condition requiring the removal of the apparatus once it is no longer required for its intended purpose. This is necessary to safeguard future visual amenity and prevent the accumulation of unnecessary street clutter.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

I Dyer

INSPECTOR