



Appeal Decision

Site visit made on 29 September 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2020.

Appeal Ref: APP/Z5630/W/20/3253229

Kingston TA Centre, 19 Portsmouth Road, Kingston Upon Thames, Surrey KT1 2QX

- 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 CITL and Vodafone UK Ltd against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 19/02571/TEL, dated 15 October 2019, was refused by notice dated 5 December 2019.
 - The development proposed is removal of existing support poles/brackets, upgrade of VF equipment, installation of new support poles with 3no. new antennas, 1no. GPS module, 15no. RRUs, 3no. equipment cabinets (to replace 2no. existing) and associated ancillary works thereto.
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Decision

1. The appeal is allowed, and planning permission is granted for the removal of existing support poles/brackets, upgrade of VF equipment, installation of new support poles with 3no. new antennas, 1no. GPS module, 15no. RRUs, 3no. equipment cabinets (to replace 2no. existing) and associated ancillary works thereto, at Kingston TA Centre, 19 Portsmouth Road, Kingston Upon Thames, Surrey KT1 2QX, in accordance with the terms of the application Ref 19/02571/TEL, dated 15 October 2019, and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of the decision.
 - 2) The development shall be carried out in accordance with drawing numbers: 100 Rev A; 200 Rev A; 201 Rev A; 300 Rev A and 301 Rev B.
 - 3) Any apparatus or structure provided in accordance with this permission is removed from the land, building or structure on which it is situated as soon as reasonably practicable after it is no longer required for electronic communication purposes, and such land, building or structure is restored to its condition before development took place.

Procedural Matters

2. The application form relating to the proposed development is that which seeks planning permission, however, the Council have determined the application under the Prior Approval procedure. Notwithstanding this, the

telecommunications apparatus proposed exceed the permitted development allowances of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO 2015) for proposals in a Conservation Area, and therefore would not come under the assessment procedures of the order. Accordingly, I have determined the appeal as if it were an appeal against the refusal of planning permission and that is reflected in the banner heading above.

3. The Council's officer's report refers to the proposed telecommunications apparatus being sited on the four corners of the building. However, the submitted drawings clearly show that the proposed antennas would be sited on only two of the building's corners. Therefore, I have determined the appeal on that basis.

Main Issues

4. The main issue is the effect of the proposed development on the character and appearance of the host building and the Riverside South Conservation Area.

Reasons

5. The appeal building faces onto Surbiton Road and comprises a large three storey flat roof wing that forms part of a complex of interconnecting buildings in use by an Army Reserve Centre. This portion of the appeal building appears less formal compared to the primary façade that faces onto Portsmouth Road, and the presence of two roller shutter doors on the wing's front elevation appears somewhat discordant. Nevertheless, the wing has an attractive central stone entrance and a symmetrical arrangement of sash windows at first and second floors that have a positive presence on Surbiton Road.
6. There are existing antennas on the roof of the building as well as ground-based telecommunications equipment. The submitted evidence does not provide any clear indication that these installations have received consent, while the Council has indicated that they are the subject of an ongoing enforcement action. Nevertheless, the appellant indicates that the existing apparatus would be removed as part of its proposal.
7. The proposed antennas would be placed on the two rear corners of the wing and protrude above its flat roof by 2.8 metres. When directly facing the wing from Surbiton Road, it is likely that the scale of the building and location of the antennas at the corners of the roof, would screen them from view. Yet, they would be observed through short gaps and angled views of the building along Surbiton Road and Portsmouth Road. When seen from these locations, the harsh appearance of the antennas along with their support brackets would have a discordant relationship with the building's simple form and architectural detailing. Whilst the height of the antennas is not excessive, they would nevertheless result in some minor harm to the integrity of the appeal building.
8. The appeal building lies within the Riverside South Conservation Area (RSCA). I therefore have statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The RSCA's significance is derived from its linear formation, historic public buildings, close visual relationship with the River Thames and its attractive tree lined riverbank. This part of the appeal building has a frontage onto Surbiton Road. It therefore faces away from the River Thames, in contrast to the

majority of the buildings within the RSCA which line Portsmouth Road and have a strong visual connection with the river and its setting. Despite its low-key position within the RSCA, the appeal building nevertheless has distinctive architectural detailing in the form of sash windows and a prominent front entrance that make a small contribution to the special qualities of the Conservation Area as a whole.

9. Positioned on the two rear corners of the appeal building, the proposed antennas, would not be immediately apparent when viewed from Surbiton Road, given their recessed rearward location behind the building's frontage. Nevertheless, they would be perceptible between the short gaps either side of the front elevation and also more obliquely and from a greater distance from Portsmouth Road through the spaces to the sides of Tynamara and St Raphael's Church. From these locations the metallic finish of the proposed antennas would appear harsh rising above the appeal building. They would also appear blunt amongst the neighbouring buildings, and in doing so would have a harmful presence. Yet, due to the proposal's recessed position and relatively small scale in the context of the overall character of the RSCA as a whole, I consider that the harm to the Conservation Area would be less than substantial.
10. The proposal would harm the character or appearance of the RSCA and the host building. It would be contrary to CS8 and DM10 of the Royal Borough of Kingston Upon Thames Local Development Framework – Core Strategy, adopted April 2012. These policies, amongst other things, require proposals to respect local character, heritage and distinctiveness and to avoid locating structures where they will be visually intrusive and have an adverse effect on the area.
11. The proposed ground-based equipment would be housed within a timber enclosure and positioned up against a taller brick boundary wall, a short distance away from the three-storey wing. The timber enclosure would be set back from Surbiton Road, and its screening of the equipment would overcome the cluttered arrangement they would otherwise have. The siting of the timber enclosure in close proximity to the aforementioned brick wall and a service ramp and railings would have an acceptable appearance that would be subordinate to the building, while appearing discreet when viewed from the street. This part of the proposal would not therefore harm the appeal building, while it would preserve the character and appearance of the RSCA.

Planning Balance

12. Notwithstanding the above, the visual harm on the appeal building is minor and I have concluded that the harm in relation to the RSCA, is less than substantial. In this instance, Paragraph 196 of the National Planning Policy Framework (the Framework) states that this harm should be weighed against the public benefits of the development. In such a balance, great weight should be given to the heritage asset's conservation.
13. The Appellant has outlined the benefits of the scheme and these include, the proposed equipment's 5G capabilities and the contribution this would have in supporting a high-quality communications network, which can in turn lead to future social and economic benefits, such as building a strong competitive economy. The proposed antennas would also utilise an existing building. These scheme benefits align favourably with the aims of Paragraphs 112 and 113 of

the Framework and I attached considerable weight to them. Whilst giving the Conservation Area great importance in terms of its weight, the appeal building only makes a small contribution, and similarly the harm incurred by the appeal proposal. I therefore conclude that the less than substantial harm to the character and appearance of the Conservation Area as a whole, and the host building, would be outweighed by the public benefit of improving the telecommunications network in the locality.

14. The proposal would therefore comply with Paragraphs 112 and 113 of the Framework, which amongst other things support the expansion of 5G communication networks which are essential for economic growth and social well-being and encourages the use of existing buildings for the development of electronic communications. I consider that these public benefits of the proposal, which are supported by the Framework, outweigh the harm and conflict with the Council's development plan policies.

Other Matters

15. A third party has sought assurance that there would be no harmful health effects as a result of the proposal. The appellant has provided a declaration to certify that the proposal has been designed to conform 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.

Conditions

16. I have had regard to paragraph 55 of the Framework. In addition to the standard commencement condition, I have attached a condition requiring the development to be carried out in accordance with the submitted plans to provide certainty. A condition requiring the removal of the apparatus from the land and building if it is no longer required for its intended purpose is considered necessary in the interests of the character and appearance of the host building and surrounding area.

Conclusion

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

R. E. Jones

INSPECTOR