



Appeal Decision

Site visit made on 15 October 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/Z5630/W/20/3254889

Footpath off Ditton Road, Tolworth, Surbiton, KT6 6RF

- 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 EE Limited against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 20/00812/TEL, dated 6 April 2020, was refused by notice dated 12 May 2020.
 - The development proposed is the installation of a slim 15-metre-high ground based Phase 5 streetworks monopole, 3 x multi-band sector antenna within GRP shroud, 2 x 0.3m DIA transmission dishes at 10m, 1 x MK4 Link AC cabinet (1520x600x500), 1 x Huawei BTS3900A cabinet (1900x600x480), 1 x Wiltshire cabinet (1850x2000x755) and, other ancillary equipment and cabling at footpath off Ditton Road, Tolworth.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the relevant parts of Part 16, Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 ("GPDO") require that the local planning authority assess the proposed development solely on the basis of siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area, and whether any harm caused is outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

Character and Appearance

5. The site comprises an area of pavement on the corner of Ditton Road and the A243. It falls at a loose intersection between 4 different roads, so is visible from multiple directions. The A243 is a major thoroughfare with regular passing traffic, whilst the other roads are quieter residential streets. The pole would be visible from both vehicular and pedestrian traffic and residents of nearby houses, particularly those on Ditton Road.
6. There are multiple vertical features around the site including lampposts, trees and traffic signs. However these all have a limited maximum height at around 12 metres. At 15 metres in height the proposal would significantly exceed this. It would therefore detract from the visual coherence that currently exists, due to the consistency in height of these existing vertical features.
7. The relationship with the trees to the immediate rear of the pole would be particularly poor. The monopole would encroach into the immediate setting of these trees, which currently address the footpath and appear as positive features in the surrounding townscape. The grey utilitarian colour of the mast, in combination with its excessive height, would contrast significantly with the prevailing greenery. This would result in an awkward and cluttered visual relationship that significantly detracts from the wider townscape, around this junction.
8. There is an existing telecommunications mast visible to the south of the site of a similar colour which also sits very close to a tree. However, in this case the adverse impacts are mitigated by the fact that it is not set on a prominent corner as would be the case here. It does not amount to a persuasive justification for this proposal and is not an example that should inevitably be followed.
9. Overall, there would be significant harm to the character and appearance of the area due to the appearance (particularly the colour and excessive height) and siting of the mast (particularly the close proximity to trees). Insofar as they are a material consideration, the proposal would be contrary to the aims of policies CS8 and DM10 of the Royal Borough of Kingston upon Thames Core Strategy 2012 which require, amongst other things, that structures including telecommunications equipment should not be visually intrusive.

Other Considerations (including consideration of alternative sites)

10. The proposal would represent an improvement in the quality of access to data offered by this provider, fulfilling a need and addressing a shortfall. Access to good quality mobile data is of increasing importance to economic and social wellbeing, and this is acknowledged and reflected in various government policies, including those set out in the National Planning Policy Framework ("the Framework"). This is an important consideration, that weighs in favour of this proposal.
11. It is argued that the opportunities for alternative sites in the wider area surrounding the site are restricted. However, the reasons given for the rejection of the extended area around the site, as particularly discussed in paragraph 5.7 and 5.9 of the appeal statement, are general in nature and unconvincing.

12. Whilst sites immediately around the junction have clearly been pursued and discounted¹ the evidence before me does not demonstrate that the same rigour has been applied to the broader area around the junction, which would potentially achieve a similar degree of coverage. This area should not, in principle, be precluded from consideration simply because it is residential in character or falls within a Conservation Area.
13. I am not therefore in a position to conclude that the harm to the character and appearance of the area could not be overcome by an alternative proposal within close proximity to the site. It has not been adequately demonstrated that the proposal is the least worst option, to achieve the desired coverage. This ultimately limits the weight that can be given to the benefits of siting the installation in the location proposed. On this occasion they would be outweighed by the harm to the character and appearance of the area, as described above. Consequently, the siting and appearance of the proposed development is unacceptable, and approval should be refused.
14. There are objections to the scheme from interested parties, raising other issues to those discussed above. However, they do not add to the harm identified.
15. Other appeal decisions are cited where Inspectors have permitted telecommunications development. In many cases it has been acknowledged that trees can provide appropriate vertical screening. However, much depends on context. In the particular circumstances of this case, where the affected trees are an attractive feature that contributes to the quality of the surrounding townscape, the visual relationship is inappropriate. The identified harm is of a scale that justifies the dismissal of the appeal.

Conclusion

16. For the reasons given above, the appeal should be dismissed.

Neil Holdsworth

INSPECTOR

¹ As set out in the planning statement originally submitted in support of the application.