
Appeal Decision

Site visit made on 26 November 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/L5810/W/20/3258327

Hydes Field, Oldfield Road, Borough of Richmond, Hampton, London TW12 2AF

- 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 MBNL against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 20/0677/FUL, dated 2 March 2020, was refused by notice dated 20 April 2020.
 - The development proposed is the installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets, the removal of the existing 14.7m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is allowed, and planning permission is granted for the installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets, the removal of the existing 14.7m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto at Hydes Field, Oldfield Road, Borough of Richmond, Hampton, London TW12 2AF in accordance with the terms of the application ref 20/0677/FUL, dated 2 March 2020, subject to the conditions in the schedule below.

Main Issues

2. The main issues of the appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether any harm caused is outweighed by other considerations.

Reasons

Character and Appearance

3. The proposal would be sited close to the road. The monopole would extend above the tree line and would be thicker than the existing one. Therefore, parts of the scheme would be readily visible from some local vantage points including nearby properties and from within the Green Belt.
4. Notwithstanding this, the appeal scheme, like the existing apparatus and pole that are to be replaced, would be viewed against a backdrop of mature vegetation. Some of the trees are of a considerable height and much of the

- proposal would be screened. In addition, the curve of the road funnels views along it creating a largely enclosed street scene.
5. These factors would prevent the scheme being overly prominent other than in close proximity to it from street level. Moreover, although of a lower height than the proposed pole, there are other vertical structures including street lighting close by and are therefore not an uncommon feature.
 6. The increased number of cabinets would give rise to some additional clutter. However, the site is located near to industrial style buildings and boundary treatments. As such, a functional/utilitarian presence in the street would not be out of place.
 7. While the pole and associated equipment would not be wholly alien additions, they would be noticeable, and more so than the existing equipment. Thus, they would have some negative effect.
 8. While the above factors would ensure that there would only be limited harm, the proposed development would harm the character and appearance of the area. There would also be harm, although minimal, to views from within and towards the Green Belt. The scheme would conflict with Policies LP1, LP13 and LP33 of the Richmond Upon Thames Local Plan (Local Plan) and the Telecommunications Equipment SPD. These, in part, seek to minimise the visual impacts of proposals, including on the Green Belt, and that they are compatible with local character.
 9. There would also be some conflict with paragraph 113 of the National Planning Policy Framework (the Framework), which requires electronic communication equipment to be sympathetically designed, where appropriate.
 10. Although included in the refusal reasons, as Policy LP3 of the Local Plan relates to designated heritage assets it is not applicable in this instance.

Other Considerations

11. Although there may not be current issues with signal in the area, the proposal would support the delivery of an upgrade of the existing mobile/digital telecommunications equipment to accommodate 5G services. The Framework sets out that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being, as well as that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Consequently, the benefits from improved digital, high-quality communications attract considerable weight.
12. The existing site has been identified as not being suitable for the proposed equipment, principally due to the presence of underground utilities. Also, the existing pole is not capable of accommodating two operators.
13. There has not been extensive information provided assessing specific alternative sites. Nonetheless, whilst not comprising the use of the same site, I see merit in the use of a site nearby in order to replace an existing installation. In addition, the removal of the existing site and its replacement with the appeal proposal is intended to ensure there is no proliferation in the location of monopoles. Similarly, the replacement base station would be shared by two network operators, thus reducing the need for additional locations.

14. I therefore find that whilst there would be limited harm to the character and appearance of the area, that the benefits that would accrue from the proposal are sufficient to outweigh this harm. Accordingly, based on the individual circumstances of this appeal, I find that material considerations indicate that the appeal should be determined other than in accordance with the development plan.

Other Matters

15. Concerns have been raised about potential and perceived effects on health. Nevertheless, 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 (Paragraph 116) 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 in this regard would be justified.
16. The presence of equipment in the verge along this stretch of the road would not be unexpected given the proposal would be in a similar position to the existing equipment. Consequently, the scheme would not adversely affect highway safety.

Conditions

17. In addition to the standard time limit condition, in the interests of certainty, a condition specifying the approved plans is required. In the interests of the character and appearance of the area, a condition requiring the agreement of the treatments and finishes of the equipment is imposed. For the same reasons a condition is necessary to secure the removal of the existing equipment. A condition relating to graffiti has not been shown to be necessary and therefore has not been imposed.

Conclusion

18. For the reasons given above, I conclude that subject to conditions, that the appeal should be allowed.

Stuart Willis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 769798_RUT009_70728_TW0141_M001 A (265-MAX Configuration Elevation); 769798_RUT009_70728_TW0141_M001 A (002 Site Plan Location Plan); 769798_RUT009_70728_TW0141_M001 A (100 Existing Site Plan); and 769798_RUT009_70728_TW0141_M001 (150 Existing Elevation A); and 769798_RUT009_70728_TW0141_M001 A (215 MAX Configuration Site Plan).
- 3) Prior to any above ground works details of the colours of the external surfaces of the proposal shall be submitted to and agreed in writing by the local planning authority. The scheme shall be carried out in accordance with the agreed details.
- 4) The existing monopole and associated cabinets and equipment shall be removed from the site within 60 days of first operation of the proposed monopole and associated equipment and the area from which they are removed made good.