

Appeal Decision

Site visit made on 7 May 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 17 June 2021

Appeal Ref: APP/L5810/W/20/3264935

Old Mortlake Bus Depot, North Worple Way, Mortlake SW14 8PZ

- 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 Everything Everywhere Limited against the decision of the London Borough of Richmond Upon Thames.
- The application, ref. 20/2044/TEL, dated 23 August 2020, was refused by notice dated 15 September 2020.
- The development proposed is the installation of a telecommunications base station comprising of 1no 12.5m alpha pole with 2no 300mm dishes, 3no equipment cabinets and associated ancillary works thereto.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. I note discussion in the appeal documents regarding the design of the scheme, where there appears to be a number of interested parties referring to a scheme which is illustrated as having a 12.5 metre monopole with a 'bulbous head' towards to the top of the mast which according the applicant is a 5G mast. For the avoidance of doubt, the scheme under consideration consists of a slimline monopole with no bulbous head which is designed to mimic the general appearance of an enlarged telegraph pole.

Main issue

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

Reasons

5. 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 Richmond Upon Thames Local Plan 2018 (LP) and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
6. The appeal site is currently in use as a bus station which is located at the corner of North Worple Way and Avondale Road. The site is predominantly tarmacked with a single storey building located to the corner. The bus station is amongst a residential area which comprises of predominantly two storey detached and semi-detached properties. Immediately to the rear of the bus station abuts a 3 storey apartment scheme, and to the south of North Worple Way is a railway line with a cast iron spur pedestrian bridge connecting to residential development opposite.
7. The appeal site lies in close proximity to three conservation areas (CA), namely Mortlake (Queens Road) CA approximately 22 metres to the south, Mortlake CA, approximately 95 metres to the west and Cowley Road CA, approximately 150 metres to the east. Whilst the appeal site is not physically located within the boundaries of a Conservation Area (CA), elements in and around the appeal site contribute to their setting such as the low scale nature of development, the open and leafy presence with the location of street trees, vegetation along the railway and the influence of mature vegetation from the Old Mortlake Burial Ground providing a distinctive local character to the area in which the appeal site is located. The Queens Road CA Appraisal gives specific mention to the Spur Railway Footbridge, constructed nearby in 1903 which is noted as a local landmark that provides a vital connection between Queens Road area and Mortlake.
8. Whilst there are some telegraph poles and street lights in the vicinity of the appeal site, there is not a strong vertical emphasis of street furniture with the openness of the area being experienced as a greater characteristic. I acknowledge the design attempts that seek to use a slimline pole that is coloured brown/grey to attempt to mimic a telegraph pole, however the differences in height and thickness of the pole, together with the additional clutter provided by the satellite dishes would be very apparent. The proposed mast would be a discordant feature unlike anything around it which would be detrimental to the experience of the character and appearance of the area, particularly from within and outside the Queens Road CA. The photomontages of the proposed mast do illustrate the detrimental appearance, particularly against the backdrop of the Spur Railway Bridge which is where many pedestrians experience the CA. Whilst I consider that in this instance the proposal would cause 'less than substantial' harm to the significance of the Queens Road CA from development within its setting, having considered the significance of both Cowley Road CA and Mortlake CA, in these cases I do not consider that their significance has been harmed.
9. My attention is drawn to an assessment of four alternative locations which were assessed by the applicant. In each of the cases, a short explanation of why the site is inappropriate is given, however in my opinion, clear and detailed evidence has not been provided. Such an example is the 'Vodafone site' which is located near trees at the Mortlake Old Burial Ground which could be a potential site to

share equipment with another operator. Whilst it is stated by the applicant that the sharing of equipment may lead to a large mast and more equipment boxes being needed which is a logical expectation, this is not actually qualified or demonstrated so that a reasonable assessment can be made of the resultant impacts as to the character and appearance so that this site can be discounted. There also appears to be contradictory information presented given that an alternative site at sites labelled 1 and 2 are discounted by the presence of trees, whereas the Vodafone site is partly surrounded by trees.

10. Whilst I appreciate that the Vodafone Site nearby may have been approved by appeal,¹ the comparisons are different given that the Inspector in this case gave weight to the siting of the mast near the trees, whereas the appeal site is within a much more exposed location alongside the railway spur bridge and would in my opinion have a much more prominent and harmful effect to the local character and distinctiveness of the area which includes the significance of a CA.
11. Taken as a whole, I therefore disagree with the applicant's Statement of Case that the installation would not cause demonstrable harm to the significance of the CA. Although serious, the harm to the CA in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the National Planning Policy Framework (the Framework). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
12. I note the benefits of providing telecommunications equipment as encouraged by paragraphs 112-116 of the Framework. However, taking the above into account with regards to alternative options and the harm caused to the character and appearance of the locality including the significance of the CA, I find that the public benefits in this case would not outweigh the harm to the CA. The scheme therefore conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be given to the asset's conservation...irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance'.
13. Consequently, the proposal would also be contrary to LP Policies LP1 (which seeks that proposals are compatible with local character, siting and existing townscape); Policy LP3 (which seeks that proposals give weight to the conservation of heritage assets, including their setting); and Policy LP33 (which seeks the compliance of a number of criteria to ensure the appropriateness of telecommunications equipment). The development plan policies are also supported by the Telecommunications Equipment Supplementary Planning Document, the Morlake Village Planning Guidance and the Queens Road CA Appraisal.
14. In conclusion on this matter, I consider the installation causes less than substantial harm to the significance of the CA. It has not been shown that public benefits would outweigh this harm and so the proposal would conflict with the Framework and the development plan.

¹ Appeal Ref: APP/L5810/W/17/3184353, Dated 19 March 2018

Other Matters

15. The appeal documents contain a number of letters from interested parties covering issues such as health, ecology, highway safety, arson, children and vulnerable populations, amongst others. Given the failure of the appeal on grounds of character and appearance and the CA, I have not found it necessary to explore these other matters further.

Conclusion

16. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR