

Appeal Decision

Site Visit made on 12 July 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal Ref: APP/L5810/W/20/3262268

Rosemary Gardens, Mortlake, Richmond, London, SW14 7HD

- 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 EE Limited against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 2019/3433, dated 9 April 2020, was refused by notice dated 27 May 2020.
 - The development proposed is the installation of 2No. antennas located on a custom frame, the installation of 2No. cabinets and ancillary developments thereto. The equipment is to be surrounded by a GRP shroud painted to imitate the equipment room.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Mortlake Green Conservation Area.

Reasons

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
4. The appeal site is located within the Mortlake Green Conservation Area (CA). Based on the evidence before me, the significance of the CA derives from the importance of the central Green, as well as the late Victorian and early Edwardian buildings which have an identifiable industrial character, many of which front onto the Green. The appeal site forms part of an architectural set piece which is located adjacent to the south west of the Green. The buildings are tall and imposing structures set around a communal garden. They are architecturally interesting buildings which make an entirely positive contribution to the character and appearance of the CA. Accordingly, they are identified as Buildings of Townscape merit.
5. The proposal relates to the western-most terrace of Rosemary Gardens, and the equipment would be sited towards the southern end of the building. The evidence before me suggests that the proposal would be surrounded by a GRP shroud that would be painted to imitate the existing plant equipment on the roof. However, due to the technical needs of the proposal, the painted surrounds would be substantially taller than the existing rooftop structures.

Accordingly, the proposal would represent a significant installation on to the roof of the building.

6. The evidence seeks to demonstrate that the appeal site is not prominent in long views, and that therefore, the proposed installation would not be conspicuous. I agree that the site is relatively well contained by other buildings and mature trees, however, it can still be seen, and tree cover will vary throughout the year. Closer views are also readily achievable and allow the top of the existing plant equipment to be seen. Accordingly, due to the demonstrable difference in height and its substantial footprint, the proposed equipment would appear as a considerable mass to the top of the building which would contrast significantly with the interesting and well-considered architecture of the existing building. As a consequence, in my judgement, the proposal would be conspicuous.
7. Consequently, although the equipment has been designed to technically minimum standards, it would create an unduly dominant and imposing structure in an alien location. This would be to the detriment of the existing building, as well as the architectural set piece of which it forms part. Accordingly, despite its lack of prominence from longer views, the proposal would have a harmful effect on the character and appearance of the CA.
8. The harm to the CA would be less than substantial. Accordingly, Paragraph 202 of the National Planning Policy Framework requires that the harm is weighed against the public benefits of the proposal. In this regard, Paragraph 114 of the Framework confirms that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology.
9. The rationale for the proposal is to improve the network for the adjacent railway line and surrounding area. The evidence before me states that calls currently drop out when trains pass through and that there is a demonstrable weakness in the network in this location. Accordingly, in light of the requirements of the Framework, I give considerable weight to the benefits that the proposal would bring. I also note that alternative locations have been discounted.
10. However, Paragraph 199 of the Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Accordingly, due to the demonstrable harm that the proposal would cause to the character and appearance of the area, in my judgement, the weight I attribute to this matter outweighs the public benefits of the proposal.
11. Accordingly, I conclude that the proposal would harm the character and appearance of the CA. It would therefore fail to comply with Policies LP1, LP3, LP4, LP8 and LP33 of the London Borough of Richmond upon Thames Local Plan (2018) as well as guidance contained within the Mortlake Village Planning Guidance Supplementary Planning Document (2015). Taken together, these seek amongst other things, high quality design which conserves the historic environment.

Conclusion

12. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR