



Appeal Decision

Site Visit made on 9 August 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2021

Appeal Ref: APP/H5390/W/21/3275382

Pavement opposite Public House, Farm Lane, Fulham, London SW6 1PA

- 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 Hutchison UK LTD against the decision of London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00723/TEL56, dated 28 February 2021, was refused by notice dated 27 April 2021.
 - The development proposed is a telecommunications installation: proposed 15m Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and prior approval is granted for a proposed telecommunications installation: proposed 15m Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works at the pavement opposite Public House, Farm Lane, Fulham, London, SW6 1PA in accordance with the terms of the application, Ref 2021/00723/TEL56, dated 28 February 2021, and the plans submitted with it.

Preliminary Matters

2. The application was submitted pursuant to Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The principle of development is established by the GPDO. The development is, however, subject to the developer firstly applying to the local planning authority as to whether prior approval will be required for the siting and appearance of the development
3. I have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework¹ (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issues

4. The Council refused prior approval for two reasons. As a consequence of the reasons for refusal, the main issues are:
 - whether the siting of the development would be acceptable in relation to highway safety, in particular pedestrian movement, and

¹ The Framework was revised on 20 July 2021. I sought the views of the main parties on the revised Framework and taken into account any responses received.

- whether the siting and appearance of the development is acceptable in relation to the character and appearance of the area, having regard to the impact on the setting of the Walham Green and Walham Grove Conservation Areas.

Reasons

Highway safety

5. Farm Lane is a fairly straight road with footways on both sides. The alignment of the road and the double yellow lines on the north western side of the road mean that there is generally good visibility for users of the footway and for the drivers using the road. The telecommunications monopole and equipment cabinets would be sited on the back section of the footway adjoining the boundary of the Farm Lane Care Home. This section of the footway is reasonably level, quite wide and linear in form.
6. The Council has raised concerns with the proposal on the basis that there is insufficient information relating to the minimum clear footway widths which are not shown on the drawings. However, the drawings are to a scale and the appellant has explained that the remaining width of the footway would be about 2.1m. This width would exceed the requirements for a footway outside a Town Centre as specified in Key Principle TR29 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2018) (the SPD).
7. With this width of remaining footway and the reasonably short length of the narrowed section, together with the good visibility, I am satisfied that there would be no need for users of the footway, including those with push chairs or in wheelchairs, to move into the road to pass each other. Even if on a rare occasion this was necessary, the good visibility would ensure that any approaching vehicles would be seen and action, such as waiting briefly on the footway, could be taken accordingly.
8. Consequently, I conclude that the siting of the development would be acceptable in relation to highway safety, in particular with regard to pedestrian movements along the footway. It follows that the proposal would accord with Policy T2 of the London Plan (2021), Policies T1 and T3 of the Hammersmith and Fulham Local Plan (2018) (the Local Plan) and Key Principles TR12, TR13, TR22 and TR29 of the SPD.

Character and appearance

9. The scheme proposes a 15m monopole together with cabinets on the footway within Farm Lane. Farm Lane is located within the urban area with the three storey residential terrace and the three storey Farm Lane Care Home on either sides of the road very broadly to the north east of the proposed telecommunication equipment. The site itself is located adjoining the boundary with the Care Home garden. On the opposite side of the road is the fairly substantial brick public house with its distinctive chimneys. Further to the broadly south west along the road, there are some established trees and a mix of buildings, again often at three stories in height.
10. There are two Conservation Areas in the vicinity of the site. In a generally northerly direction the Walham Grove Conservation Area includes the terraces and semi-detached residential properties along this tree lined road. The

significance of this Conservation Area includes the rhythmical appearance of many of the front elevations, with the dominance of sash windows and brick elevations facing the tree lined street. The proposed monopole would be seen in views from the rear of some of the properties in Walham Grove. However, this would be in the context of a wide range of other development and the monopole would be partially screened by the mature tree in the garden of the Care Home. The monopole would be separated from the Conservation Area boundary and it would not be experienced in the surroundings with the main street scene. In these circumstances, the development would not harm the setting of the Walham Grove Conservation Area or its significance.

11. The Walham Green Conservation Area (WGCA) is more extensive and covers a reasonably large urban area with a mix of residential and commercial buildings. The WGCA includes the buildings around the south west road entrance to Farm Lane and the buildings up to and including the public house on the broadly south eastern side of the road. The boundary of the WGCA runs along the middle of the road in front of the public house. The proposed development would, therefore, be outside but face directly onto the boundary of this part of the WGCA.
12. The significance of this part of the WGCA includes the street scene with the mix of generally three storey brick buildings, front brick boundary walls and the softening appearance provided by the trees, both located within the footway and in adjoining properties.
13. The monopole has been designed to have a reasonably slim line appearance with the antennas being fairly flush with the support pole. This helps to minimise the visual impact of the top section such that the design is as understated as it appears possible with a stand-alone mast.
14. Nevertheless, in close up views from areas near the public house, the mast would be quite a tall and stark feature. It would not be screened or a particularly sympathetic addition to the immediate surroundings and would detract from the setting to this immediately adjoining part of the WGCA. The cabinets, however, would be relatively modest and fairly inconsequential additions given the built surroundings and the reasonably tall boundary to the Care Home.
15. In mid-distance views, when approaching the site along Farm Lane from the south west, the monopole would be visible and the upper section would be seen against the sky. However, it would be framed by the surrounding trees and the height and extent of these trees, and the general built surroundings, would reduce the visual presence of the monopole. The impact of the development on this part of the WGCA would be reasonably limited.
16. When approaching the proposed development and the boundary of the WGCA from the north east along Farm Lane, again there would be a general built context with the surrounding buildings and the monopole would be seen in part against a backdrop of the trees and other buildings. The monopole would be experienced within this part of the road as a fairly tall and vertical feature, and would to some extent rival the chimneys on the public house. However, the trees would assist in reducing its impact and dependent on the angle of view, generally only the upper section would break the skyline.

17. Bringing all these matters together, the monopole would harm the setting of the WGCA and thereby its significance by reason of its height, form and functional appearance. However, this harm would be fairly contained to the public and private areas in the vicinity of the public house and in wider views the general built surroundings and mature trees would limit the effect of the monopole on the character and appearance of the area. Overall the harm would be localised and modest.
18. Nevertheless, I conclude that the development would harm the character and appearance of the area and detract from the setting of the WGCA. In this respect, the scheme would not comply with Policy HC1 of the London Plan (2021) and Policies DC1, DC8 and DC10 of the Local Plan which seek, amongst other things, to conserve the significance of the Borough's historic environment by protecting, restoring and enhancing its heritage assets.

Other Matters

19. While there are a couple of letters of support, there have been quite a large number of objections to the proposal, including from local residents and The Fulham Society. In terms of the main issues which have been raised, I have considered the impact of the proposal on the local area above and I will conclude on this issue in the section below.
20. There are concerns that the development would adversely affect the living conditions of local residents. This matter was examined by the Council in its planning report where it was concluded that the proposal would not have any material impact on the amenity levels of neighbouring properties in terms of loss of light or outlook. I also examined this matter at my site visit, and noted the location of local schools, and the position of adjoining properties, including the Care Home. I have found no reason to disagree with the conclusion of the Council that the relationship of the development to the adjoining properties would not cause material harm to the living conditions of residents and occupants.
21. There have been objections to the development in respect of the considered adverse impact from the roll out of the 5G network and the related health consequences. The Framework explains the Government's policy on these matters which is supportive of the roll out of 5G and that proposals should be determined on planning grounds only. In particular, the Framework requires that decision makers do not question the need for an electronic communication system or set health safeguards different from the International Commission Guidelines for public exposure.
22. A local resident has set out in representations that he has taken radiation readings of existing telecommunications equipment in the area, with it is explained appropriate technical equipment, and these readings exceed accepted limits. However, I have limited independent technical information to support these findings which in any case relate to other equipment. In this case, the application has been accompanied by a Certificate that certifies that the installation would meet with the International Commission Guidelines. This certification is a matter which I attribute substantial weight. Consequently, the health and related concerns raised regarding emission levels and 5G networks, because of the clear policy approach set out in the Framework, are not planning matters of such weight that they can be considered further as part of an appeal for an individual installation.

23. In terms of the various other objections which have been raised, including the potential effect on property prices, these are not issues of such weight that they materially impact on the main planning issues.

Planning Balance

24. The effect of the proposal would be to cause harm to the setting of the WGCA and thereby the significance of this heritage asset. The harm to the WGCA as a whole would be less than substantial within the meaning of paragraph 202 of the Framework. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal.
25. The evidence demonstrates that the network operator requires an installation in this area to meet the demands on the system. Other sites have been examined, including on buildings and sharing sites. This application is a revised proposal, following the earlier refusal, which now proposes a lower mast and amended location. I am satisfied that a sequential approach, including examining the upgrade of existing equipment, looking at the ability to share masts and investigating the use of existing buildings has been undertaken before the consideration of a new structure has been pursued. There appears to be no reasonable prospect of an alternative site which is reasonably available.
26. The height of the structure is dictated by the need for the antennas to project above the height of the adjoining buildings, including the Care Home, to ensure that suitable coverage can be provided. It seems to me, based on the submitted evidence, that a lower monopole would not be able to provide sufficient coverage to meet the needs of the network.
27. The information indicates that there are conservation areas that extend over much of the surrounding area. Consequently, there are fairly limited locations which could be considered for the installation outside a conservation area and, even in these cases, it seems that many of those sites would also be within the surroundings of a heritage asset. It is therefore difficult to find any location to serve the network in this area which did not have some impact on heritage assets and the present appeal location is a case in point.
28. The mast would provide 5G coverage to this urban area for the appellant's network. The Framework explains that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The proposed installation would enable local residents, businesses and travellers to receive enhanced telecommunications coverage from this network provider with the resulting social and economic benefits. This would be a substantial public benefit which would accrue from the proposal.
29. The Framework advises that any harm to the significance of a designated heritage asset, including development within its setting, should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the level of potential harm. However, in this case, the public benefits accruing from the proposal would be substantial and enable the surrounding urban area to benefit from a 5G coverage from the appellant's network. Adding further weight in support of the installation is that there appears to be no reasonable alternative sites available and the scheme would only have a localised and modest impact. The design of the installation seeks to minimise that impact and a lower monopole would be unlikely to

provide sufficient coverage and therefore the same level of public benefits. Finally, although neutral in the overall considerations, I have found that the proposal would not adversely affect neighbouring amenity or highway safety.

30. Drawing all these matters together, the conflict with the relevant planning policies, the harm to the setting of the WGCA and the visual harm to the immediate area in general, should be attributed great weight. However, I consider that this harm is outweighed by the circumstances which I have outlined and the substantial public benefits which would result from the proposal. Accordingly, I consider that material considerations indicate that the decision should be made otherwise than in accordance with the development plan such that the planning balance falls in favour of prior approval being granted.
31. The appellant has indicated that were I minded in any approval that I could attach a condition specifying a colour for the mast. However, I consider that the details before me are acceptable and, in any case, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators.

Conclusion

32. For the reasons set out above, I conclude that prior approval should be granted.

David Wyborn

INSPECTOR