
Appeal Decision

Site visit made on 9 November 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2021

Appeal Ref: APP/H5390/W/21/3277750

Easting: 524779 Northing: 178147, North End Road, Wandon Estate, West Kensington, London W14 9LY

- 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 & Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Hutchison UK Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2021/01249/TEL56, dated 11 April 2021, was refused by notice dated 9 June 2021.
 - The development proposed is 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) for a 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Easting: 524779 Northing: 178147, North End Road, Wandon Estate, West Kensington, London W14 9LY in accordance with the application Ref 2021/01249/TEL56 dated 11 April 2021 and the details submitted with it including plans 002, 100, 150, 210, 260, 303 & 305.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice. That on the application form adequately describes the proposal. I have determined the appeal on this 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 to 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 Issues

4. The main issues are the effect of the proposal on the character and appearance of the area including the setting of the Barons Court Conservation Area (the Conservation Area) and whether the proposal would be acceptable in terms of pedestrian movement, highway and public safety with particular regard to its siting and appearance.

Reasons

5. The appeal relates to the provision of a 15m high monopole with a wrap-around cabinet at its base along with three associated equipment cabinets in grey. The equipment is required in association with the roll out of 5G technology.
6. The monopole and associated cabinets would be situated on the pedestrian footway on the north eastern side of North End Road. Beyond the railings which line the footway is a well-kept and pleasant area of open space to the front of Fairburn House, a highly imposing modern, bulky and tall residential building. A wide variety of street furniture already exists in close proximity to the appeal site including lighting columns/cameras, equipment cabinets, charity clothing bins and road and estate signage.
7. The significance of the adjacent part of the Conservation Area is characterised by the layout, form, scale and detailing of its buildings.
8. Views of the proposals would be restricted from the open space by reason of the presence of mature trees. The site would be viewed against the backdrop of the Conservation Area when approaching from Mund Street, although the view is largely dominated by the rather garish modern signage sitting above retail premises at Cowen Parade, other bulky and modern flats which fall outside of the Conservation Area to the rear of Lanfrey Place and tall columns comprising the existing street furniture.
9. The attractive West Kensington Mansions sit to the north, although in views north along North End Road the proposal would be viewed in the context of the secondary rear elevation, parts of which are dominated by down pipes.
10. Overall, the proposal would form a continuation of the modern development on this part of North End Road and would not significantly adversely affect the character and appearance of the area. The proposal would be viewed against the modern development in views out of the Conservation Area. Further, it would not significantly detract from views towards the Conservation Area and would not therefore detract from the significance of the Conservation Area.
11. The existing footway is of reasonable width. While only a snapshot in time it was not especially busy nor crowded during my site visit on a clement weekday late morning, and the location falls between the busier shopping areas to the north and south.
12. The evidence indicates that a footway width of 2.45m would remain following the development. This would not significantly constrain pedestrian movement, nor compromise highway or public safety at this location.
13. The proposal would therefore be acceptable in terms of its siting and appearance.
14. Policies DC1, DC2, DC8, DC10, T1 and T3 of the Hammersmith and Fulham Local Plan (2018), Policies HC1 and T2 of the London Plan (2021) along with Key Principles TR12, TR13, TR22 and TR29 of the SPD¹ are material considerations relevant to matters of siting and appearance. Amongst other things they seek well designed proposals which protect heritage assets and

¹ Hammersmith & Fulham Planning Guidance Supplementary Planning Document February 2018.

ensure the ease of walking within the area. I have not identified any conflict with these policies or the guidance. I have not identified conflict with the Framework².

Other Matters

15. Concerns have been raised about potential effects on health. However, 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 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 would be justified.
16. There is no firm evidence that the proposal would result in adverse impacts on wildlife, ecology, trees or greenery in the vicinity and there is nothing to indicate that the consultation exercise undertaken by the Council, which appears to have been extensive was deficient.

Conditions

17. No suggested conditions are suggested by the Council. The proposal is however subject to the conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2) of Schedule 2, Part 16, Class A, which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

T J Burnham

INSPECTOR

² National Planning Policy Framework 2021.