



Appeal Decision

Site visit made on 8 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/21/3278907

Mobile phone base station of the corner of Primula Street/ Westway A40, Primula Street, East Acton, Greater London W12 0RE

- 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 Cornerstone Telecommunications Infrastructure Limited and Telefonica UK Limited against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2020/03055/FUL, dated 20 November 2020, was refused by notice dated 18 January 2021.
 - The development proposed is the replacement of 1No. existing 12.5m high street furniture design monopole with 1No. new 15m high street furniture design monopole with internally shrouded antennas. The addition of 2No. equipment cabinets and 1No. meter cabinet.
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Decision

1. The appeal is allowed. Planning permission is granted for the replacement of 1No. existing 12.5m high street furniture design monopole with 1No. new 15m high street furniture design monopole with internally shrouded antennas. The addition of 2No. equipment cabinets and 1No. meter cabinet at Mobile phone base station of the corner of Primula Street/ Westway A40, Primula Street, East Acton, Greater London W12 0RE in accordance with the terms of the application Ref 2020/03055/FUL dated 20 November 2020 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Maps, 200, 201, 300 & 301.
 - 3) The telecommunications equipment hereby approved shall, when no longer required for electronic telecommunication purposes, be removed from the site and the hardstanding restored.

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 London Plan (2021) was adopted after the Council had made the original decision. Both parties have had the opportunity to comment on its implications

for this proposal during the course of the appeal. It is important that I determine the appeal against up-to-date policy.

Main Issue

4. The main issue is the effect of the appeal proposal on the character and appearance of the Old Oak and Wormholt Conservation Area (the Conservation Area).

Reasons

5. The appeal site falls within the Westway Environs sub area of the Conservation Area. As indicated by the Conservation Area Character Profile¹, the layout of the residential development and its materials are defining characteristics of this sub area. This is where the heritage significance of this part of the Conservation Area lies.
6. The appeal site is located closely adjacent and to the north of the busy A40, Westway. This road dominates the character of the immediate area and associated post mounted cameras, street lighting columns and other road signage are commonplace close to the appeal site. The site hosts an existing monopole with associated street cabinets.
7. Whilst the proposed monopole would be taller than that which it would replace and other street furniture, the increase in height proposed would not be excessive and it would not appear out of scale with the area.
8. In acknowledging that it would be wider than the street lighting columns and traffic cameras, it would likely to be viewed by passers-by as just another piece of vertical street furniture, which is commonplace in the area. The additional cabinets would merely be viewed in the context of the existing cabinets and would not be so numerous as to comprise clutter that would have an adverse visual impact. The development would be viewed against modern housing and the modern St Katherines Church.
9. The proposal would not compromise the heritage significance of this part of the Conservation Area which sits with the layout of the residential development and its materials. For these reasons, the proposal would preserve the character and appearance of the Old Oak and Wormholt Conservation Area.
10. The scheme would therefore comply with Policies DC1, DC8 and DC10 of the Hammersmith and Fulham Local Plan (2018) which amongst other things seek good design, the protection of heritage assets and telecommunications equipment that is compatible with the scale and character of existing development. I have not identified conflict with Policy HC1 of the London Plan (2021) which amongst other things requires development proposals to conserve the significance of heritage assets.

Other Matters

11. The attractive grade II listed former Wormholt Library and Infant Centre is situated to the south of the appeal site. However, the setting of the building is largely dominated by the larger modern Ark Conway Primary Academy building and other vertical street furniture is prominent in views towards the building. The visual characteristics of the setting therefore make only a limited

¹ Hammersmith and Fulham Old Oak & Wormholt Conservation Area Character Profile 5.65

contribution to the significance of the listed building. The proposal would therefore have a neutral impact on the significance of the heritage asset and would therefore preserve the setting of the listed building.

12. 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.
13. The proposal would be unlikely to significantly adversely affect light and views, given its slender form. Concerns have been expressed regarding highway safety, although the Council has raised no concerns in this regard and I have no reason to disagree. There is no evidence to indicate that the proposal would adversely affect television reception.
14. The issue of impact on property values has also been raised. However, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conditions

15. A set of suggested conditions should the appeal be allowed are included within the evidence. In addition to the standard three-year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. A condition that would require the removal of the equipment when no longer in use is necessary in the interests of the character and appearance of the area.
16. A condition relating to the colour finish of the equipment is not necessary as this has been specified on the application form with the dark green colour sitting comfortably with other columns in the area with a dark finish. No detailed justification has been provided as to the requirement for an anti-graffiti finish.

Conclusion

17. I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR