



Appeal Decision

Site visit made on 8 November 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/K5600/W/21/3275864

Cornwall Crescent, North Kensington, London W11 1PH

- 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 The Royal Borough of Kensington & Chelsea.
 - The application Ref PA/21/02296, dated 3 April 2021, was refused by notice dated 14 May 2021.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal follows a decision by the Council not to give their approval for the siting or external appearance of a development that would otherwise be permitted under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) (as amended). The permission granted under the GPDO is, with consideration of the proposed development, only limited to its siting and appearance, not the principle of the development.
4. The licensed operator Hutchison UK Limited (H3G LTE), propose to erect a Phase 8 monopole at approximately 15m in height to accommodate both operators EE and H3G LTE who have a site sharing agreement. This would provide improved coverage and capacity, specifically in relation to the new 5G digital coverage to the local target area. It has been explained by the appellant that the site has been identified as it meets specific technical and operational requirements.
5. The appeal site is a wide corner of pedestrian footpath where Clarendon Road and Cornwall Crescent meet, within a dense residential area. Where the equipment is proposed, there are approximately four street trees positioned

along the edge of the footway. Single trees flank both sides of Clarendon Road and Cornwall Crescent and all the street trees contribute significantly to the character and appearance of the area.

6. The wide curved footway here and group of four mature trees makes a striking contribution to the street scene. The junctions of roads that meet at this point allows them to be seen clearly from public views in many directions.
7. The proposed monopole may be approximately the same height as these trees and would screen the apparatus to a certain degree. However, the addition of a tall and narrow Phase 8 style monopole in this prominent corner location would not blend with the natural environment of the backdrop of trees, even if its colour were to be conditioned.
8. There may be streetlamps and other vertical street furniture within the area. However, these are considerably lower in height and well assimilated into the street scene and are typical forms of recognisable street furniture. The proposal would appear as an alien and visually obtrusive feature that would detract from the pleasant leaf environment and would be harmful to the character and appearance of the local area.
9. The Framework places an emphasis on the requirement for new electronic equipment to be sympathetically designed and camouflaged. This proposal would not meet the objectives of good design.
10. The Council may not have provided comments from an arboricultural consultee in connection with the proposal, nevertheless, I share their concerns relating to its siting and impact on tree roots as a consequence of ground installation. No arboricultural assessment has been submitted with the appeal to substantiate the appellant's claim that no harm to the trees would arise.
11. Furthermore, trees are a growing species, and it has not been confirmed that the siting of the monopole close to tree canopies would not result in potential conflict between it and the proposed mast.

Other Considerations

12. The appellant argues in favour of the proposed equipment as they explain the need to provide targeted coverage within the area. The deployment of advanced 5G technology, the public, social and economic benefits of mobile connectivity, and boosting the UK's productivity and the importance of the technology industry I recognise.
13. Published Government statements and the objectives of the National Planning Policy Framework (the Framework) to support and drive towards advanced digital connectivity has been pointed to by the appellant.
14. The Framework also requires evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
15. The appellant states that there is no opportunity to locate the mast outside this area whilst providing the 5G coverage required to the coverage 'hole' and to 'offload' the congested sector they have identified. There is no information submitted regarding alternative sites as they assert that the proposed location is the only viable option to explore due to the constrained cell search area.

16. Furthermore, it is noted that the proposal meets ICNIRP guidelines and its height and design are proposed to be at the minimum to meet technical requirements without crossing over with other cells, and to clear surrounding buildings and structures.
17. Alternative locations as a means of providing coverage may be closer to more sensitive receptors such as the neighbouring Conservation Area, or the height of the monopole may need to be taller to meet technical requirements. However, that is not to say that telecommunication apparatus would not be acceptable elsewhere and could not meet the specific technical requirements. Furthermore, without details relating to underground services, I cannot be sure these identified constraints would cause significant obstacles.
18. In addition, the appellant makes reference to this chosen site in terms of limiting impacts on local residents. This area is highly residential in character, and the proposed scheme would be visible from a considerable number of residential properties. The council have raised no concerns regarding its proposed location relating to impact on the living conditions of local residents. Alternative locations close to residential dwellings could be investigated by the appellant.
19. It may not be located in an area with a statutory designation. However, that would not preclude telecommunications equipment from being investigated in the first instance.
20. Mast sharing is encouraged and supported by government guidance and is welcome. There is no evidence to substantiate their claim that it would not result in additional telecommunications apparatus at a future date.

Balance and Conclusion

21. I have balanced the proposal against a number of considerations including public benefits and site constraints. I afford moderate weight to the economic and social benefits of the appeal scheme. However, as a consequence of its siting and appearance, the harm I have found that would arise to the character and appearance of the area does not outweigh the benefits of the proposal. These matters attract significant weight and outweigh the benefits associated with it.
22. Prior approval under Class A of Part 16 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) is required and hereby refused.

Alison Scott

INSPECTOR