



Appeal Decision

Site visit made on 9 February 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal Ref: APP/L5810/W/21/3276993

Land at Petersham Road, Ham, Twickenham, London TW10 7AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by MBNL for and on behalf of H3G UK Limited against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 20/3224/TEL, dated 6 November 2020, was refused by notice dated 8 February 2021.
 - The development proposed is described as: "installation of a new 16 metre high monopole supporting 6no. antennas with a wrap around equipment cabinet at the base of the column, the installation of 4no. new equipment cabinets, and ancillary development thereto. The proposed colour of pole is grey, equipment cabinets will be coloured green".
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for Costs was made by MBNL and H3G UK Ltd against the Council of the London Borough of Richmond Upon Thames. This application is the subject of a separate Decision.

Preliminary Matters

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
4. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
5. The appeal has been accompanied by a drawing that was not before the Council when it made its decision. This shows details that would relate to the future installation of the proposal. The information is not particularly technical, nor does it alter the scheme in terms of its design, scale and layout. The Council have also had sight of it and had the opportunity to comment. I have therefore assessed the appeal on the basis of the additional information.

6. The appellant has submitted further information in relation to the proximity, health and root protection areas of trees located near the appeal site. The Council has reviewed this information and no longer considers the proposal's effect on trees to be unacceptable. Accordingly, my determination of this appeal will not require assessment of the proposal's effect on trees.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including the adjacent Metropolitan Open Land (MOL) and the significance of the Petersham Conservation Area (CA).

Reasons

8. The appeal site is located at the back of a footway that runs the length of Petersham Road. There are streetlights, two existing telecommunications masts and a bus stop located close to the site. Those features are set against a wooden fence and a thick evergreen hedge that forms part of the boundary between the road and a golf course which is encompassed within Sudbrook Park. A lengthy grassed area with occasional trees is located on the opposite side of the road. This provides a verdant and attractive foreground to the large residential dwellings that run alongside it, namely Nos 241- 279 Petersham Road (Nos 241-279).
9. The appeal site is located outside but adjacent to the boundary of the CA. The CA's special interest is derived from the largely unaltered condition and range of historic buildings within Petersham along with the large green spaces and mature landscape features that surround the village. From Petersham Road the appeal site is positioned between the expansive parkland setting of the golf course, and the long-grassed area running in front of Nos 241- 279 Petersham Road. In this context the appeal site's close proximity to those open and verdant spaces both within and outside of the CA forms part of a sympathetic interface with the heritage asset. Consequently, the spatial and landscape characteristics that form part of the appeal site's immediate environment contributes positively to the setting of the CA, from which it derives some of its significance.
10. The appeal proposal is to site a 16m high telecommunications monopole with ancillary equipment including ground cabinets. It would improve the existing mobile signal offering in the area and provide a '5G' network. The existing 10m monopole, located close to the bus stop, would be removed once the proposal is fully operational.
11. The proposed mast would rise significantly above the adjacent evergreen hedge. It would also protrude perceptibly above the nearby telecommunications masts and mature trees that line the boundary between Petersham Road and the golf course. Located between the adjacent highway and the parkland setting of the golf course, the proposal would appear very prominent and discordant in the context of those spacious and verdant areas. Moreover, and whilst I appreciate the monopole must be taller than other objects in the vicinity, it would fail to assimilate with existing vertical elements nearby or be in keeping with the scale of the dwellings opposite on Petersham Road. In addition, the adjacent trees along the golf course's boundary would

not adequately screen or filter views of the proposal from surrounding vantage points, given the open and spacious nature of the surroundings.

12. The proposed monopole would be constructed from galvanised steel and coloured grey. It would have a thick upper portion consisting of a series of exposed antenna stacked above each other that would give it a somewhat harsh appearance when seen in relation to nearby tree canopies and grassed areas. Moreover, that chunkier headframe would have a top-heavy appearance that would be at odds with the shorter and slimmer streetlights and telecommunications masts nearby. It is acknowledged that the proposal's exposed antenna cannot be shrouded in the same way as the adjacent masts for technical reasons, nevertheless this does not diminish the proposal's visual effects upon its surroundings.
13. Given the immediacy of the CA to the appeal site's east, the monopole's height and chunky headframe would appear jarring and industrial in the context of the adjacent attractive spaces, roadside trees and parkland landscape, such that it would harmfully erode the setting from which those special features are appreciated, both from within and outside of the CA.
14. The adjacent golf course is designated as MOL. Policy LP13 of the Local Plan states that when considering developments on sites outside Metropolitan Open Land, any possible visual impacts on the character and openness will be taken into account.
15. As the installation would be located outside of the MOL it would not reduce its openness. Yet, its exposed scale rising above the designation's tree canopies and soft green spaces, along with its industrial appearance would loom stridently over the MOL, resulting in a harmful juxtaposition with the spacious and largely undeveloped qualities of the designation. It is acknowledged that the effects of this would be relatively localised as a proportion of the wider MOL area. Nonetheless, the mast would be seen from medium and longer-range views from within the open parts of MOL such that it would be conspicuously at odds and harmful to its character.
16. The appellant has referred to the historical approval of telecommunications masts along Petersham Road. Those precedents are acknowledged; however, the two existing schemes relate to shorter and slimmer installations, in contrast to the taller and chunkier proposal. They also have a smoother appearance by virtue of their concealed antenna; and together with their darker colour have adapted more sympathetically with their surroundings. A scheme for a 15m high mast, a short distance from the bus stop, was allowed at appeal¹ in 2007. It is understood from the evidence that this scheme was never implemented, whilst I also note, that due to the prevailing technological requirements at the time, it had a slimmer more streamlined appearance. With more exposed antenna and a thicker profile, the proposal would be visually more prominent than that scheme. Therefore, given the differences between the proposal and the approved scheme, I can only give limited weight to that earlier precedent.
17. The proposed equipment cabinets would be grouped closely together near the base of the monopole. They would be modest in height compared with the surrounding street furniture and buildings, while the appearance of the cabinets

¹ APP/L5810/A/07/2050569, allowed 5th December 2007

would be softened by the evergreen hedge that would rise above them a short distance to the east. Therefore, despite my concerns regarding the monopole, the proposed equipment cabinets would be acceptable in terms of their siting and appearance, while they would not harm the setting of the CA.

18. In view of the above, and notwithstanding my findings on the proposed equipment cabinets, the proposed monopole's siting and appearance would harm the character and appearance of the area, including the adjacent MOL and the significance of the CA. Insofar as they are material considerations, I have also had regard to Policies LP1, LP3, LP13 and LP33 of the Local Plan (2018), the Supplementary Planning Document 'Telecommunications Equipment' (2006, the Ham and Petersham Neighbourhood Plan (2019), the Petersham Conservation Area Study and Statement and the provisions of the Framework. These require, amongst other things, that proposals have regard to their location, local distinctiveness, scale, the setting of heritage assets and enhancing digital connectivity in appropriate locations.

Other Considerations

19. The current restricted network coverage and capacity is at odds with the Strategic Objectives in the Council's development plan and the Framework's emphasis on extending and future-proofing digital connectivity that would result in economic growth and greater social inclusion. Moreover, the ongoing Covid-19 pandemic has highlighted the reliance of mobile connectivity and the need to make improvements where necessary and in light of growing demand. Additionally, the proposal would support economic and social objectives, and deliver benefits which may include improved support for home working, enabling smart devices and services as well as supporting future advances. The social and economic importance of 5G technology is also outlined in the Department for Digital, Culture, Media and Sport's letter in November 2019 to Local Authorities. Therefore, from the evidence before me the appeal proposal would extend the reach of 5G coverage in the area and facilitate improvements in social and economic well-being. Such factors weigh strongly in favour of the proposal.
20. The appellant has provided information to support the height of the proposed monopole in order to avoid interference from topography and landscape, and also in order to clear International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines. I therefore have no reason to dispute the specification and the height of the proposed monopole and the requirement for supporting equipment cabinets.
21. The Framework states that the use of existing masts is encouraged (Paragraph 115). Being in a different location further to the south than the existing mast, the proposal is in essence a new mast, albeit at an existing electronic communications network site. Also weighing in favour of the proposal is that it would be a shared base station between two operators.
22. For new masts, the Framework advises that the applicant evidences other possibilities such as erecting antennas on an existing building, mast or other structure.
23. In this instance I have not been provided with details of the extent of the appellant's search area and the buildings, structures or existing masts that were discounted, or where the shortfall in mobile coverage to the extent

referred to extends. Moreover, it is unclear whether the search area aligns with the locational and functional requirements of the operators. Therefore, I consider that limited justification for discounting of other sites has been provided with little evidence submitted to support assertions that other options are unavailable or unsuitable.

Planning Balance and Conclusion

24. The proposed monopole would have unacceptable indirect impacts on the open character of the MOL. This is a matter that carries significant weight. I have also found that the proposal would have an unacceptable effect on the setting of the CA and consequentially the designation's significance. The harm that would occur to the setting of the conservation area would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. This is a matter of considerable importance and weight. Paragraph 202 of the Framework nevertheless requires such harm to be weighed against the public benefits of the proposal.
25. I have found that the proposal's public benefits including the economic and social benefits of upgrading electronic communication infrastructure, the shortfall in coverage and the installation's technical specification to be significant, in addition to the support given by the London Plan 2021 and the Framework for such developments.
26. Taking these factors into account the proposal's significant benefits do not outweigh the extent of harm I have identified. I have also found that the unacceptable impacts would give rise to clear conflicts with the development plan, for reasons given earlier, as well as the Framework and the Act.
27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR