



Appeal Decision

Site visit made on 16 May 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2022

Appeal Ref: APP/L5810/W/21/3289163

Winchester Road SW, Twickenham, London, TW1 1LA, 516659, 174130

- 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 EE (UK) Ltd against the decision of London Borough of Richmond Upon Thames.
 - The application Ref 21/2412/TEL, dated 2 July 2021, was refused by notice dated 17 August 2021.
 - The development proposed is described as "Network rail focused telecommunications Streetworks cell site. The proposal includes the installation of 1no 11m monopole supporting 3 antennas (to a total height of 12.83m) 3no equipment cabinets and associated ancillary works thereto."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The principle of the proposed development is established in line with the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The GPDO requires that applications for prior approval under Schedule 2, Part 16, Class A be determined having regard to the siting and appearance of the development.
3. The Council has referred to policies in its development plan in its reasons for refusal. The GPDO does not require that regard be had to the development plan in determining prior approval applications under Schedule 2, Part 16, Class A. Accordingly, I have had regard to the identified policies only insofar as they are relevant to matters of siting and appearance.

Main Issues

4. The main issues are:
 - Whether the siting and appearance of the appeal proposal would be acceptable,
 - The effect on the free and safe flow of pedestrian traffic along the pavement,
 - Whether there is an established need for the proposed development in this location,
 - Whether there is evidence to demonstrate that the proposed electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment; and,

- If harm would result from the proposed development, whether it would be outweighed by the need for it.

Reasons

Siting and appearance

5. The proposed installation would be sited on a wide stretch of pavement close to a bend in the road. The character of the road approaching the bend is primarily residential comprising two-storey houses. The appeal site and its immediate surroundings mark a transition in character with a footbridge over the nearby railway line and entrance to a commercial estate lying past the bend.
6. The mast and equipment cabinets would be installed in the middle of the pavement. In views along Winchester Road towards the railway line the installation would be prominent due to this siting, the height of the mast and the size and number of cabinets. As a result, it would be an incongruous and intrusive feature in the street scene.
7. The installation would be set against the backdrop of a group of mature trees and other established planting between the site and the neighbouring car park. The mast would be taller than the trees, but its height has been reduced from previously refused schemes to the minimum necessary to provide 4G coverage for a single operator in this location. The trees and planting would also provide some screening of the installation from the rear of the site.
8. The Council has expressed concerns regarding the proximity of the installation to the trees, and the potential for this to result in future requests for pruning. However, the submitted Arboricultural Survey & Method Statement indicates that there would be no significant impact on trees from the installation, and I see no reason to doubt this. Any future development of the installation that may lead to requests for tree work would have to be addressed at that time.
9. Nevertheless, due to the height and extent of the installation and its prominent siting in the centre of the pavement, it would overall be an intrusive presence in the street scene and harmful to the appearance of the area.

Pavement traffic

10. The siting of the installation in the middle of the pavement would cause a reduction in its usable width. The largest cabinet would be sited near an existing signpost, creating a narrow pinch point in this location. However, this would be a single point and there would be greater clear width between the installation and the landscaped area to its rear. This would not require that users of the pavement with mobility issues would need to cross to the other side of the road or otherwise significantly impede their progress along this section of pavement.
11. On balance, therefore, the siting of the proposed installation would not cause unacceptable harm to the free and safe flow of pedestrian traffic along the pavement.

Need

12. The National Planning Policy Framework (the Framework) states that decision makers should not question the need for an electronic communications system.

However, it does require that applicants provide evidence that alternative locations have been explored before proposing a new mast or base station.

13. The appellants have shown that alternative sites have been considered, including previously refused applications and a dismissed appeal in the area. The development would provide improved coverage in this location, particularly for railway users. No other suitable alternative locations have been identified. There is therefore an established need for the proposed development in this location.

Interference

14. The Council have expressed concerns that the installation may lead to interference with other electrical equipment, air traffic services or instrumentation operated in the national interest. The appellant has confirmed that the installation would comply with the conditions of their licence, which are mandated by Ofcom, and therefore would not cause any such interference. I see no reason to doubt that this would be the case.

Other Matters

15. The site is close to the Amyand Conservation Area (the CA). The Council considers that there would be no harm to the setting of the CA due to the distance between the site and edge of the CA, and the intervening presence of the railway lines. I see no reason to disagree with this conclusion, and am satisfied that the development would preserve both the character and the appearance of the CA.

Planning Balance

16. The importance of high quality and reliable communications infrastructure is recognised in the Framework. This installation would provide improved coverage in the area, including for users of the nearby railway and station. These benefits weigh in favour of the proposed development.
17. However, the height and prominent siting of the installation would result in harm to the character and appearance of the area. In this instance, this harm would outweigh the benefits of the proposed development.

Conclusion

18. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR