



Appeal Decision

Site visit made on 17 May 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 JUNE 2022

Appeal Ref: APP/Z5630/W/21/3281672

Chelsea FC Women's Training Ground, Jack Goodchild Way, Kingston Road, Kingston upon Thames KT1 3PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 3G UK Ltd against the decision of the Royal Borough of Kingston Upon Thames.
 - The application Ref 21/00845/TEL, dated 19 March 2021, was refused by notice dated 13 May 2021. The development proposed is the installation of a 15-metre-high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 15 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto at Chelsea FC Women's Training Ground, Jack Goodchild Way, Kingston Road, Kingston upon Thames KT1 3PB in accordance with the terms of the application, Ref 21/00845/TEL, dated 19 March 2021, and the plans submitted with it including: 002 - Site Location Plan; 100 - Existing Site Plan; 150 - Existing Site Elevation; 215 - Proposed Site Plan; and 265 - Proposed Site Elevation.

Preliminary Matters

2. I have taken the description of development from that used on the appeal form, as it describes the full extent of the proposal.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 'GPDO'), 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 and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the Royal Borough of Kingston Upon Thames Core Strategy 2012 (Core Strategy) and the National

Planning Policy Framework 2021 (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

5. With this in mind, I note that the site, and adjoining land, is within Metropolitan Open Land (MOL) and that the London Plan 2021 affords such land the same status and level of protection as Green Belt (GB). However, as the principle of the development has already been established through the GPDO, neither the Framework, nor development plan policies in relation to development in the MOL/GB, are relevant to my assessment of the scheme. Therefore, there is not a requirement for the proposal to demonstrate very special circumstances. The appellant has also provided other appeal decisions which support this approach.
6. The development's visual impact, due to its appearance and siting, on land designated as MOL is taken into account in my assessment.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area.

Reasons

8. The proposal would be located on an area of land behind the East Stand of the football ground. This area of the ground is enclosed on its eastern side by palisade fencing. There are various pieces of equipment and structures, including the scoreboard, which together with the Stands themselves, would largely block more distant views of the proposed equipment cabinets and the lower part of the pole.
9. To the east of the appeal site are allotments, with a community centre and recreation ground located to their north. Boundary planting provides some screening of the proposal from the allotments. Any views of the lower parts of the proposed installation from the allotments, community centre or its car park would be through palisade fencing and against a backdrop of other structures and so would not be prominent.
10. Other than when travelling along the access road towards the community centre car park, views of the upper parts of the pole from the community centre, its car park or the western end of the allotments, would be achieved more by looking up rather than across. Thus, the proposal would not be seen in a wider context, thereby limiting its overall effect.
11. From the recreation ground, existing trees and the community centre building itself, would block some views of the pole, generally leaving only more limited views of the upper parts of the structure visible. I acknowledge that at certain times of the year, the tree cover may be less dense and views of the pole from these areas would be more prevalent but nevertheless the trees would still provide some screening.
12. In addition, views from the recreation ground, the eastern end of the allotments and from further to the southeast would also take in the floodlights at the football ground and the larger buildings beyond, such as Brinkley on Kingston Road. Given that such views would be towards an urban area, the proposal would not appear completely unexpected in such a context.

13. Those attending the football ground itself would obtain glimpses of the upper parts of the pole as they approach the ground along Jack Goodchild Way and from the car park next to the West Stand. However, as noted above, views of the lower part of the pole and the cabinets would be obscured by the Stands. From within the ground the proposal would be more evident but not entirely alien given the ground has floodlight structures in each corner and there are lighting columns serving the adjacent athletics track.
14. Similarly, whilst there would be views of the upper part of the pole from surrounding roads such as Kingston Road and Douglas Road, such views would be limited. Furthermore, they would largely be views between buildings and over roofs of buildings and the equipment would therefore be seen within the context of the urban area which it adjoins.
15. Further to the west and north-west of the site, given the topography, built form and tree belts to the east of the cemetery, views of the proposal from the area around Hampden Road, Vincent Road, Bonner Hill Road and Gladstone Road would largely be limited and where it could be seen, restricted to the upper parts of the pole.
16. I have not been referred to any particular viewpoints within the surrounding area. Therefore, from the evidence before me and from my own observations, I find that notwithstanding the necessarily functional design and form of the proposal, it would not appear overly prominent or visually intrusive and therefore its siting and appearance would not cause harm to the character and appearance of the area.
17. The Council has cited a number of development plan policies in their decision notice. Insofar as they relate to the siting and appearance of the proposal, I consider that the proposal accords with Policies CS8, DM5 and DM10 of the Core Strategy, as well as the Framework's policies for supporting high quality communications infrastructure and achieving well-designed places.

Conditions

18. Any planning permission granted for development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), 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

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

Stewart Glassar

INSPECTOR