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## Appeal Decision

Site visit made on 30 August 2022

**by John Gunn DipTP, DipDBE, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 September 2022**

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**Appeal Ref: APP/L5810/W/21/3284501**  
**High Street, Whitton, Twickenham TW2 7LG**

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by EE (UK) Ltd against the decision of the London Borough of Richmond Upon Thames.
  - The application Ref 21/2162/TEL, dated 15 June 2021, was refused by notice dated 6 August 2021.
  - The development proposed is described on the application form as 'Telecommunications cell site – The proposal includes the installation of 1no 16m monopole with 2no equipment cabinets and associated ancillary works thereto'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. 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.
3. 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 London Borough of Richmond Upon Thames Local Plan (July 2018) (LP), the Telecommunications Equipment Supplementary Planning Document (June 2006) (SPD) and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

### Main Issues

4. The main issues are:
  - the effect of the siting and appearance of the proposal upon the character and appearance of the area; and
  - whether there is a need for the proposal.

## Reasons

### *Character and Appearance*

5. The appeal site is located towards the southern end of the High Street within a predominantly commercial area. The character of the area is defined by properties aligned either side of the High Street, with well-defined building lines, set a modest distance back from the carriageway. They are mostly 2 and 3 storeys in height but vary significantly in terms of their design and materials. Immediately to the south of the site is Whitton Station, which provides a regular rail service to central London.
6. The proposal would result in a 16 metre monopole and associated equipment cabinets being located on a similar alignment to other nearby street furniture and features, including street trees. It would be sited between two of the tall, ornate, street lights that are regularly spaced throughout the length of the High Street terminating just south of the nearby railway bridge. The streetlights create a regular rhythm within the street scene that makes a positive contribution to the character and appearance of the area. The introduction of the proposed mast, which would be of a significantly different scale and appearance to the existing streetlights would interfere with this established pattern, to the detriment of the street scene when taken as a whole.
7. Furthermore, whilst I acknowledge that vertical structures are common in the street scene the monopole would be significantly greater in height than the existing vertical structures already present and would be greater in thickness. As a result, it would appear as an alien, and discordant, feature which would be unexpected within its context.
8. The monopole would be sited on rising ground and would extend well above the adjacent buildings, which range from 9 to 11 metres in height according to the submitted plans, and the nearby street trees. I accept that the existing buildings would provide a backdrop to the monopole and the existing trees would provide some screening when viewed from the High Street, which would limit its prominence. However, the mast would still be clearly visible above the nearby buildings, and silhouetted against the skyline, particularly when viewed over the railway bridge from the south.
9. In this regard I have taken into account the reduction in height from 17.5m to 16m since a previous refusal<sup>1</sup>. Even with this revision I find the proposal would appear as a prominent and incongruous feature within the street scene. As such it would be detrimental to the character and appearance of the area.
10. I have also taken into account the possible impact of the proposal on nearby street trees. In this regard the Council are concerned that in order to maintain 'line of sight' there will be a requirement for more regular pruning of the trees. This is disputed by the appellant who consider that this would not be the case as such matters as topography and the existence of tall buildings and trees are factored in when identifying sites. In this regard I saw on my site visit that the trees had been subject to management in the past, which is also likely to be a future requirement irrespective of whether the proposal is allowed. In the absence of compelling evidence to the contrary I give this matter only limited weight.

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<sup>1</sup> 21/0556/TEL

11. I note the support in the Framework for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. Moreover, I acknowledge that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.
12. Insofar as they are a material consideration, the proposal would be contrary to the aims of Policies LP1, LP16 and LP33 of the LP, the SPD and the Framework. These policies and guidance, amongst other matters, require new developments to be well designed so as to respect the character, identity and context of the area.

#### *Need for the proposal*

13. The Council has questioned the need for a second telecommunications pole, and associated equipment, in this location. In this regard Paragraph 118 of the Framework establishes that local planning authorities should not question the need for an electronic communications system.
14. Furthermore, insofar as any impact on existing and future electrical equipment is concerned, the appellant has self-certified that, when operational, International Commission guidelines will be met.
15. Insofar as they are a material consideration, the proposal would not conflict with Policy LP33 of the LP, the SPD and the Framework. These policies and guidance, amongst other things, require new developments to operate within the International Commission on Non-Ionizing Radiation Protection Guidelines for public exposure.

#### **Other Matters**

16. I note the appellant's desire to provide an extra installation that would contribute towards a faster and more reliable telecommunications network in the locality, with particular benefits aimed at rail users.
17. In this regard I have taken into account the list of alternative sites that the appellant has considered and discounted during the site-selection process. That said, I have not been provided with a signal map to illustrate the extent of existing coverage, the coverage that would be achieved if the proposal was to be allowed, and the combined effect of the existing and proposed coverage. In the absence of detailed information relating to the area of search for the proposed installation I am unable, with any certainty, to assess whether the alternative locations considered are the only ones available.
18. During my site visit I noted the presence of an existing telecommunications array on the roof of 115 High Street and the potential for other installations on other rooftops within the locality. Even if there are no rooftop sites available there may be other more appropriate ground level sites. However, in the absence of full details of the area of search, I am not in a position to say whether this might be the case.

19. Concerns have been raised about potential effects on health, particularly the proposed monopole's proximity to residential properties. 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.

### **Conclusion**

20. For the reasons set out above, I have found that the development would be harmful to the character and appearance of the area. I do not consider that harm to be outweighed by the support in the Framework for high quality communications, when weighed against the development plan harm and the wider requirements of the Framework. Accordingly, I conclude that the appeal should be dismissed.

*John Gunn*

INSPECTOR