



Appeal Decision

Site visit made on 14 November 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2023

Appeal Ref: APP/P3610/W/22/3295605

Chessington Road, West Ewell, Ewell KT19 9UR

- 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 CK Hutchinson Networks (UK) Ltd against the decision of Epsom and Ewell Borough Council.
 - The application Ref 21/01557/T56, dated 19 September 2021, was refused by notice dated 17 November 2021.
 - The development proposed is described as a '15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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) (the Order) 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 and the provisions of Schedule 2, Part 16, Class A 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 (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
4. As such I have had regard to Policies DM10 and DM18 of the Epsom & Ewell Borough Council Development Management Policies Document (2015) and Policy CS5 of the Epsom & Ewell Borough Council Core Strategy 2007 which advise that communications infrastructure should be screened as far as possible, and that development in general should be high quality and complement the attractive characteristics of the Borough.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

6. The appeal site lies along Chessington Road, within a grass verge area sited next to a parade of stores and a cycle/pedestrian path. The parade of stores is a two storey terrace with residential above. Opposite the busy road are three storey blocks of flats and as a result the area has a mixed character and appearance.
7. The proposed 15m telecommunications monopole with ancillary equipment would be of functional appearance, typical of telecommunications equipment seen in urban and suburban areas generally. There are streetlamps and other vertical lighting columns and street furniture, such as a bus stop and phone box, nearby, in addition to two existing similar telecommunication poles on the corner of Longmead Road and Chessington Road.
8. There is a line of trees planted along the grass verge where the proposed monopole would be sited and the proposed cabinets would sit within this context. However, whilst I recognise the height is required to clear surrounding clutter, the proposed monopole would be significantly taller than any of these existing vertical elements including the tree levels and roof level of the adjacent terrace. Whilst a slimline design, it would also have a thicker element at its top, drawing attention to its height.
9. I recognise that the proposal would not, amongst other aspects, impede pedestrian flow and is not sited within a statutory designated area such as a Conservation Area or near any Heritage Assets. However, given the proximity of the monopole to the parade of stores and its siting next to the entrance to the adjacent parking area, it would appear as a highly prominent and dominant feature in the street scene, despite its mixed context. It would also be sited in close proximity to the residential units located above the commercial ground floor units along the parade of stores and would be visually obtrusive when viewed from these properties. This visual impact would not be mitigated by painting the equipment and monopole any particular colour. Furthermore, whilst screened by buildings from long distance views, when viewed from the roundabout junction to the west, the monopole would be seen in the context of the two existing monopoles, resulting in incongruously tall visual clutter that would harm the character and appearance of the surroundings.
10. I therefore find that the siting and appearance of the development would have a significant harmful visual effect on the character and appearance of the local area.
11. Paragraph 117c of the Framework requires evidence that the appellant has explored the possibility of erecting antennas on an existing building, mast or other structure. The requirement for the monopole and equipment within the immediate locality is clear as shown by the lack of 5G coverage in the area.
12. The Council does not dispute the appellant's assertion that opportunities for sharing have been investigated and exhausted and that there is an urgent requirement to install additional telecommunications equipment.
13. I appreciate that the operator undertook pre-consultation with local Councillors and the Council, and has ruled out a number of alternative sites, which are discounted due to reasons such as potential visibility splay issues, distance from the nominal and insufficient pavement width. However, I note that sites

D1 and D2 are discounted due to the proximity to a cycle lane, despite the proposed site being adjacent to the same cycle and pathway. I do not have detailed plans of these other sites and therefore, it has not been demonstrated that these would be more harmful than the appeal scheme.

14. In addition, given the amount of open green areas/verges and taller trees in the vicinity, I am not persuaded that there is not a reasonable availability of an alternative, less prominent location that would secure the required coverage within the target area. Having regard to all of the above, there is not sufficient evidence before me to definitively rule out other sites and to conclude that the proposed development needs to be sited as proposed because the appeal site is the only feasible or least-worst option. In coming to this view, I have taken into account the constrained nature of the cell search area.

Other Matters

15. Concerns have been raised about potential effects on health. 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.
16. The Framework recognises that planning decisions should support the expansion of electronic communications networks and the subsequent economic growth and social well-being arising from reliable communications infrastructure. In addition, the government aims to increase coverage and 'level up' digital connectivity, while I note that a letter of support has been received and the appellant has provided the necessary evidence to justify the proposed development. However, although I recognise the benefits of the proposal and the need for improved coverage in the locality, in this case, I have found that the siting and appearance of the proposed installation would lead to significant harm to the character and appearance of the area. This harm would not be outweighed by the other material considerations of the identified need for the installation, or the alternative sites put forward.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR