



Appeal Decision

Site visit made on 28 February 2023

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2023

Appeal Ref: APP/L5810/W/22/3296376

Langhorn Drive, Whitton, London TW2 7PA

- 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 the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/3673/TEL, dated 14 October 2021, was refused by notice dated 1 December 2021.
 - The development proposed is '15.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address entered on the planning application form. The Council's decision notice gives the site address as 'Telecommunications Equipment Junction of Chertsey Road and Langhorn Drive, Twickenham', but I am satisfied that it relates to the same site.
3. The appeal relates to an application made pursuant to the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO'). For development to be permitted by Class A, it must satisfy limitations set out at paragraph A.1, and conditions at paragraph A.2. These conditions include a requirement in certain cases for developers to apply for a determination as to whether prior approval will be required as to the siting and appearance of the development.
4. In determining such an application, the provisions of Class A 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. I have determined the appeal on the same basis.
5. The provisions of Class A do not require regard to be had to the development plan. I have had regard to the policies of the development plan, related guidance 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

6. The main issues are:

- i) the effect of the siting and appearance of the development on the character and appearance of the area, including with regard to the adjacent Metropolitan Open Land ('MOL'), the significance of the Rosecroft Gardens Conservation Area ('CA') and the effect on trees.
- ii) the effect of the siting of the development on pedestrian safety; and
- iii) if any harm would occur, whether this would be outweighed by the need for the installation to be sited as proposed having regard to any suitable alternatives.

Reasons

Character and Appearance

7. The proposed development would occupy part of a small grassed triangle between Langhorn Drive, Chertsey Road, the Duke of Northumberland River and a surface car park adjacent to The Stoop stadium. Other buildings closest to the junction of Langhorn Drive and Chertsey Road are generally set well back from the streets behind areas of landscaping or surface parking. As a result, there is a significant degree of openness around both streets, and large mature trees along the roadside provide for striking verdant views along this part of Chertsey Road in particular. The impression of openness and the verdant views are further reinforced by the corridor of the Duke of Northumberland River which is designated as MOL and which includes many mature trees.
8. The monopole would be substantially taller than the existing street lights and telegraph poles that I observed nearby. It would also be notably wider, and would be of increased diameter at the highest part of the structure adding further bulk. Trees, including along the adjacent River corridor would provide for some screening of the development and a backdrop to it from some viewpoints. However, this would not be complete, particularly noting the greater height of the monopole above the top of the nearby canopy. Based on my observations at my visit, the development would be apparent in views along Chertsey Road for a significant distance given that the approaches to the site in either direction are fairly straight. The adjacent car park would also afford clear views towards the development for some way along Langhorn Drive, and it would additionally be visible from the closest pedestrian connections to Chertsey Road from Kendrey Gardens, Talma Gardens as well as the Dukes River Walk.
9. In my judgement, the height and bulk of the development would be striking in these views, and it would form an isolated feature in the skyline, projecting above the nearby tree canopy and standing out conspicuously against the immediate open backdrop of the adjacent car park and MOL. Despite the streetlights and other vertical structures nearby, I therefore find that it would be a conspicuous and visually intrusive feature in the area, and it would further sit awkwardly against the generally undeveloped and open quality of the MOL and this part of the River corridor, detracting from their character.
10. In addition, a signboard on the edge of the adjacent car park highlights the entrance to The Stoop which the Twickenham Village Planning Guidance 2018 identifies as a local landmark. The development would stand prominently in

front of this signboard in views from some points along Chertsey Road and the pedestrian connections to the north, and its scale and siting would partially obscure views of it. In doing so, I consider that the development would detract from the sense of arrival to The Stoop, competing visually with and undermining the importance of the local landmark and harming its contribution to the local character and distinctiveness.

11. The Duke of Northumberland River also runs along the boundary of the Rosecroft Gardens Conservation Area ('the CA'). The Character Appraisal, Management Plan and Article 4(2) Guidance 2009 ('the CAMP') identifies the CA as a distinctive example of a 1930s model housing estate, and highlights the peaceful suburban residential character and air of spaciousness as key qualities. Although the appeal site is outside of the CA, it forms part of the wider setting of open green spaces, wide grass verges and trees along Chertsey Road, Crane Valley and Kneller gardens which the CAMP notes as contributing to the suburban character of the CA. The site is a small part of this setting, but in my view still makes some contribution to the experience and significance of the CA.
12. The proposal would introduce a prominent and incongruous feature of much greater height and scale than other streetlights and features close by, intruding on the open setting of the CA. Given the limited visibility of the development from within the CA, I consider the effect of the development in its setting would be limited, but there would be some very modest erosion of its suburban character to the detriment of its significance.
13. Furthermore, there is no tree survey or substantive arboricultural evidence before me to inform consideration of the effect of the proposal on trees near to the site. The appellant asserts that the development would be situated outside of the tree canopy and bowl. Be that as it may, it would be very close. Given the relationship and in the absence of objective evidence, I can have little confidence that trees would not be adversely affected by the development itself. Nor that future pressure for additional pruning or other works to the trees in order to maintain adequate and effective signal propagation free of obstruction would be unlikely.
14. Any loss or significant reduction of trees near to the site would harm the significant positive contribution that they currently make to views locally, and to the character and distinctiveness of the area. It would also reduce screening of the development, increasing its prominence and exacerbating the harm that I have identified would be caused to the character and appearance of the area.
15. I appreciate that telecommunications apparatus is not unusual in urban areas, and the visual impact of the development would be localised. I nevertheless conclude that the siting and appearance of the development would harm the character and appearance of the area including the MOL, and there would be harm to the significance of the Rosecroft Gardens CA.
16. In so far as they are a material consideration relevant to matters of siting and appearance, I have had regard to Policies LP 1, LP 3, LP 5, LP 13, LP 16, LP 18 and LP 33 of the Local Plan (adopted 2018). These Policies include requirements broadly for development that is compatible with local character and that protects views and vistas, that conserves and enhances the significance of Conservation Areas, that enhances river environments, that takes into account impacts on the character and openness of MOL, and that

ensures a harmonious relationship between trees and their surroundings. The Framework similarly seeks development that is sympathetic to local character and that conserves and enhances the historic environment.

Pedestrian and Highway Safety

17. I am satisfied given the set back of the development from the edge of the grassed area that it would be unlikely to cause meaningful obstruction to pedestrians passing by on the adjacent footway, even on what I would expect to be fairly rare occasions where operatives may be working at the cabinets with the doors open.
18. However, the section of the footway past the site is relatively narrow and forms part of what would appear to me to be a main pedestrian route between The Stoop and destinations, including car parking, to the west. Having regard to its proximity to The Stoop which is a fairly large capacity stadium, I have no firm reason to doubt that the verge including the appeal site is over-run with people on match days as the Council suggests. Indeed, I observed tread patterns and a lack of grass to the edges of the verge which suggest to me that it is in practice often used by pedestrians as an extension to the footway. The proposal would obstruct passage over the verge, and I share the Council's concerns that this could lead to pedestrians being squeezed between the development and the railing adjacent to Chertsey Road. While such an eventuality would be likely to be limited to times of peak pedestrian flow on event days, I find that it would nevertheless cause significant detriment to pedestrian safety.
19. I therefore conclude that the siting of the development would cause unacceptable harm to pedestrian safety. Of relevance to the siting of the development, I have had regard to Policy LP 44 of the Local Plan which includes requirements for safe, sustainable and accessible transport solutions and for safe and convenient walking routes. I also acknowledge guidance in the Framework seeking places that are safe and which minimise scope for conflicts including between pedestrians and vehicles.

Need for Installation in this Location and Suitable Alternatives

20. The appellant advises that the development is proposed to facilitate 5G coverage in the area and improve digital wireless, mobile coverage. The area of search to provide the required coverage is said to be geographically constrained and predominantly residential, and the appellant indicates that no opportunities to share masts or use existing buildings or structures were identified and that potential alternative sites have also been discounted. This has not been disputed by the Council, and I have no firm reason to find differently. Nor do I have grounds to doubt that the development, including the height and width of the monopole is the minimum necessary to facilitate sharing and meet requirements to ensure effective coverage taking account of surrounding features.
21. Be that as it may, no clear justification has been provided for the siting of the development on this particular part of the grass verge where it would be positioned directly in front of the entrance signboard for The Stoop causing harm to the character and distinctiveness of the area, as well as narrowing the available pedestrian passage. I have also found that there is insufficient evidence to demonstrate that nearby trees would not be adversely affected by

the proposal which could reduce screening of the development. Accordingly, I am not satisfied from the evidence before me that the siting and appearance of the development are such that the visual impact on the surrounding area has been minimised so far as practicable which is one of the requirements of Part 16, Class A of the GPDO. The Framework and Policy LP 33 of the Local Plan similarly seek equipment that has been sympathetically designed and the minimisation of visual impacts of development.

Other Matters

22. The Framework states that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. This should include the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college.
23. The appellant asserts that all relevant parties were consulted at the time of the application. However, the submitted details do not demonstrate that there was consultation with Richmond College which has a nearby site on Langhorn Drive. Nevertheless, while this is an apparent omission, I note Richmond College were consulted on the application by the Council and therefore had an opportunity to make representations. In the circumstances, I find that this matter would not weigh significantly against the proposal.

Planning Balance

24. I have found that the proposal would cause some harm to the significance of the Rosecroft Gardens CA through the development within its setting. Having regard to the localised nature of the harm and the limited visibility between the CA and the development, the harm would be very modest, and certainly less than substantial in the terms of the Framework. In accordance with the Framework, the harm to the significance of the CA should therefore be weighed against the public benefits of the proposal.
25. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that the expansion of electronic communications networks, including next generation mobile technology, should be supported. At the local level, Policy LP 33 of the Local Plan outlines that enhanced connectivity will be promoted through supporting infrastructure for high speed broadband and telecommunications.
26. The appellant comments that mobile connectivity is essential to the future success of the economy, and has highlighted benefits of 5G coverage including supporting consumer value and productivity gains, supporting digital inclusion and use of 'smart' devices and smarter infrastructure and public services which are more efficient and secure. The development would also support the Government's ambition for the majority of the population to have 5G access by 2027. I consider the economic and social benefits of improved connectivity to be significant public benefits of the proposal. I find that these benefits would outweigh the very modest harm that would be caused to the significance of the CA, even giving considerable importance and weight to this harm.
27. However, I have also found that the siting and appearance of the development would be visually intrusive, and would cause harm to the character and

appearance of the area including the adjacent MOL. The siting would additionally cause unacceptable harm to pedestrian safety. While I recognise the constrained nature of the area of search and alternative locations to meet network requirements have not been identified, I am not satisfied from the evidence before me that the siting of the development at this location is such that impacts on the surrounding area have been minimised so far as practicable. Taking into account the cumulative adverse effects of the proposal, I conclude that the siting and appearance of the development would be unacceptable, and this conclusion is not altered by the various social and economic benefits referred to by the appellant.

Conclusion

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

J Bowyer

INSPECTOR