



Appeal Decision

Site visit made on 7 March 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 MARCH 2023

Appeal Ref: APP/K3605/W/22/3296383

Island Farm Road, Molesey KT8 2SB

- 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 Elmbridge Borough Council.
 - The application Ref 2021/3687, dated 15 October 2021, was refused by notice dated 14 December 2021.
 - The development proposed is the installation of an 18.0m Phase 8 Monopole C/W wraparound 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 (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.
3. 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 development plan only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation, 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 alternative sites.

Reasons

Siting and appearance

5. The appeal site comprises a small area of grass verge positioned adjacent to the junction of Island Farm Road with Down Street. The surrounding area is one which comprises both residential and commercial uses.

6. The proposed installation would include an 18-metre high monopole, together with a series of associated equipment cabinets at its base. The prominent corner location of the installation, together with its overall height, is such that it would be highly visible from within the surrounding public realm and from a reasonably high number of nearby properties, including those within Down Street and south of Island Farm Road.
7. Although I accept that the site has no landscape or heritage designation, that part of Island Farm Road is made up of industrial buildings, and that the area contains a range of street furniture including street lighting and telephone poles, the proposed installation would be appreciably higher than those buildings and features, appearing visually intrusive and dominant in the street scene.
8. The mature tree at the junction of Island Farm Road with Down Street would screen, to some limited extent, the installation from the east approach and form a backdrop from the west. However, this tree is deciduous, further reducing coverage during winter months. Ultimately, a substantial extent of the 18m monopole would be viewed against the skyline. This would form a jarring and incongruous feature in this location.
9. The proposed base cabinets would be of an appearance, size and position that would have only a limited visual impact on the street scene. Nevertheless, this would not overcome the harm identified above.
10. I recognise the importance of good, fast, reliable and cost-effective communications. Moreover, there is no basis to question that the equipment is necessary to achieve the required standard of network coverage. I also note the support in the National Planning Policy Framework (the Framework) for high quality communications, and that this is considered essential for economic growth and social well-being. However, I must balance these public benefits against the requirement for equipment to be appropriately sited. I have concluded above that the proposed installation would be harmful to character and appearance, and I do not consider that harm to be outweighed by the support in the Framework for high quality communications.
11. My attention is drawn to an appeal case at another location, namely APP/G4240/W/20/3263529. Whilst this is acknowledged, each site and location are different. I note the appeal decision for that case references the high trees and flatted buildings, providing a vertical emphasis to the appearance of that location. This differs from the appeal site whereby the height of surrounding buildings is relatively modest and tree cover is limited. For these reasons, the circumstances that applied to this other case, and the planning balance there, are not directly comparable to those before me.
12. Overall, I conclude that the proposed installation would have a harmful effect on the character and appearance of the area. Insofar as they are material considerations, the proposed installation would be contrary to the relevant provisions of Policy CS17 of the Core Strategy (2011) and policies DM2 and DM16 of the Development Management Plan (2015). These policies, when taken as a whole, seek to deliver high quality design in development and ensure that telecommunications equipment is sited to achieve operational efficiency without significant adverse effects on the appearance of the surrounding area. This is in a similar vein to paragraphs 114 and 130(c) of the

Framework, which support high quality communications and achieving well designed places.

Availability of alternative locations

13. Paragraph 117 of the Framework requires that applications for telecommunications development, including prior approval should be supported by necessary evidence to justify the proposal. This should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
14. The appellant has set out 7 discounted alternative locations for a mast and associated apparatus. These were discounted for various reasons, including in some cases their prominent location and others that they would be overlooked by residential properties. However, there is limited information before me in respect of each of those locations. Although the alternative sites put forward appear to have been discounted for legitimate reasons, I have no substantive evidence before me which convincingly demonstrates that the appellant has properly explored all other potentially available, and less harmful, alternative options.

Other Matters

15. I note that the appellant entered into pre-application discussions with the Council prior to submitting the application, and that no comments were received. Nevertheless, pre-application advice is not determinative in the assessment of this appeal.
16. I acknowledge that there would be no harmful effect on pedestrian flow or safety as a result of the proposed installation. There is no dispute between the Council and appellant on this matter and I have no reason to disagree with those findings. I also note the support provided by a number of residents. Nevertheless, the lack of harm in respect of highways, or the provision of support, does not overcome the harm identified in the main issue.
17. A significant number of comments have been raised in respect of the proposed installation's 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 those 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

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

A Price

INSPECTOR