



Appeal Decision

Site visit made on 7 March 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023

Appeal Ref: APP/L5810/W/22/3299865

Area of Footpath to the front of Leeson House, Richmond Road, Twickenham, Middlesex, TW1 3AJ, 516736, 173704

- 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 Hutchison Networks (UK) Ltd against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/4056/TEL, dated 26 November 2021, was refused by notice dated 20 January 2022.
 - The development proposed is the installation of a 15-metre-high monopole, 4 no. equipment cabinets and development work ancillary thereto.
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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) 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 the appeal has been made on the same basis.
3. The Council refers to development plan policies in its refusal reason. 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 to 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. The postcode that the appellant used is incorrect. I have amended the address to include the correct postcode in the banner heading above. I have retained the first part of the address that the Council introduced as it more accurately identifies the location of the site.

Main Issues

5. The effect of the siting and appearance of the proposal 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

Character and appearance

6. The appeal site is located in an urban area alongside a busy road. Most of the road is densely developed with built form extending up to the pavement edge. However, the area of the appeal site differs in that development behind the site to the north takes the form of detached blocks of purpose built flats that sit behind a large area of open space. The quality and value of this area is recognised by its status as an area of 'Other Open Land of Townscape Importance' (OOLTI) and the presence of some substantial protected trees. The trees and the open space provide a welcome sense of spaciousness in an area that is otherwise dense in character. Similarly, the area to the south is occupied by the low rise buildings of a school that are also set back from the road behind mature trees.
7. The site is just outside the Twickenham Riverside Conservation Area (the CA). The northern boundary of the CA is largely defined by the road, but extends beyond it close to the northeast of the appeal site. The part of the CA closest to the site to the east is characterised by pairs of 19th century cottages that are set back a considerable distance from the road behind mature gardens. The verdant appearance of these gardens is seen together with the mature trees within the school grounds and those behind the appeal site within the OOLTI. Together these areas establish a leafy and spacious character and appearance to this part of the CA; this includes land that is within the CA and land that forms an important part of its setting.
8. The proposed pole would stand in a relatively open area. Whilst mature trees are close by to the proposed location, including the protected trees to the north, they are set back from the pavement and would only help to mitigate the visual impact of the proposal when viewed from directly opposite on the other side of the road. When looking towards the site along the length of Richmond Road in either direction the pole would be highly prominent and rather incongruous in what is otherwise a verdant and spacious area. In contrast to other vertical structures such as nearby streetlights, the pole would appear inelegant, with a wide main shaft and a bulbous section at the top that would draw the eye to the extent that it would be a visually intrusive element within the existing streetscene.
9. At the base of the pole a scrambled mix of cabinets would be erected. Some of these would be sizeable and would rise well above the low height of the existing brick wall. This collection of structures would add to the existing street furniture in this area which includes existing cabinets and a bus stop. Together they would appear cluttered and would harm the appearance of the public realm.
10. The scale of the pole and its broad form would also be harmful in outward views from the adjacent OOLTI. It would be at odds with the natural appearance of the existing trees; both during the summer when it would be visible between two of the trees, and more significantly during the winter months when its engineered form would not relate well to the natural tracery of the existing trees. Additionally, from this perspective the proposed cabinets

would appear cumbersome, where their rear faces would be seen well above the height of the existing wall.

11. The trees to the north of the site are protected by a tree preservation order. There is the potential for the installation of the various items as well as service runs to have an adverse impact on the roots of these trees. Despite the Council raising this the appellant has not submitted any additional details at appeal to address this matter. Furthermore, given the scale of the trees, it is possible that they could be under pressure for pruning in the future if they grow in such a way as to harm the functionality of the pole. Work that harms the root structure of the trees or justifies future pruning could lessen the contribution they make to the character and appearance of the area.
12. In summary, the siting and appearance of the proposal would have a harmful effect on the character and appearance of the area, including the setting of the CA. I have taken account of Policies LP1, LP3, LP8, LP13, LP14 and LP16 of the London Borough of Richmond upon Thames Local Plan 2018 (the LP), which together seek to ensure that proposals demonstrate a thorough understanding of context, contribute positively to the historic environment, ensure proposals are not visually intrusive, protect local green space, and protect existing trees. Given my findings on this main issue, the proposal would conflict with these Policies.

Suitable alternatives and heritage balance

13. Paragraph 117 of the Framework says that proposals should be supported by the necessary evidence to justify the proposed development. It states that in the case of a new mast evidence should be provided to demonstrate that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structure. Policy LP33 of the LP confirms this position. The Council's Supplementary Planning Document – Telecommunications Equipment (the SPD) suggests that operators take a sequential approach to the identification of sites, seeking less sensitive sites first.
14. The appellant has submitted a list of alternative sites with brief reasons given for not choosing the site. Some of the grid references and addresses appear to be incorrect, and without photos or a map it is difficult to make a proper assessment of all the sites referred to on this list. There is an apparent assumption that roof top installations should be installed entirely on the roof of a building, rather than installing associated apparatus at a nearby ground level location. Taking a different approach in respect of such sites may require them to be reconsidered as possible alternatives. There are other roof top buildings that appear to sit in extensive grounds where a ground mounted solution may be possible, but no mention is made of this. As an alternative, a third party raises the potential to erect small scale equipment instead. This is an option that the appellant sets out in its sequential approach, yet nowhere in its submission does it demonstrate that small scale equipment has been considered. This would have the potential to have far less visual impact.
15. For these reasons I am of the view that the appellant has not considered alternative sites or alternatives to the development properly, sufficient to satisfy the Framework, LP and SPD. I am not therefore satisfied that the evidence before me is sufficiently robust to justify the proposed siting, or that more suitable sites, that would not harm the character and appearance of the area to the same degree, are not available within the search area.

16. I have found that the proposal would harm the setting of the CA. The appellant accepts that there would be some CA harm. In terms of the Framework, the harm would be less than substantial. Paragraph 202 of the Framework establishes that any harm to a designated heritage asset should be weighed against the public benefits of the proposal.
17. The appellant sets out the need for the proposal, and the Government's support for such proposals is clear. Paragraph 114 of the Framework establishes that decisions should support the expansion of electronic communications networks including next generation mobile technology. These matters weigh heavily in favour of the proposal, however the weight I give to them is reduced on the basis that the justification for the proposed solution is not robustly made for the reasons already given. On this basis I am not satisfied that the harm to the setting of the CA is outweighed by the identified public benefits.
18. In summary, I am unable to conclude that the proposal is the most suitable site to satisfy the identified need, sufficient to outweigh the harm arising from the siting and appearance of the proposal upon the character and appearance of the area. The appeal must therefore fail.

Other Matters

19. The Council raises concerns regarding the submitted ICNIRP form. I note that it is in a strange format and is not at all clear, however as I am dismissing the appeal for other reasons this is not a matter that I need to consider further.

Conclusion

20. For the reasons above, the appeal should be dismissed.

A Tucker

INSPECTOR