
Appeal Decision

Site visit made on 20 February 2023

by C Harding BA(Hons) PGDipTRP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2023

Appeal Ref: APP/L5810/W/22/3304551
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 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 the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 22/1299/TEL, dated 15 April 2022, was refused by notice dated 13 June 2022.
 - The development proposed is described as "telecommunications installation:15m Phase 9 super slimline Monopole and associated ancillary works".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and County 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.

Planning Policy

3. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. I have had regard to the policies of the development plan, supplementary guidance, and the National Planning Policy Framework ('the Framework') only insofar 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 proposed installation on the character and appearance of the area, the significance of the setting of Rosecroft Gardens Conservation Area ('the CA'), and pedestrian and highway safety.

Reasons

Character and appearance

5. The appeal site comprises a grassed area of public realm located at the junction of Langhorn Drive and the A316, several footways including access to routes along the Duke of Northumberland's River ('the river'), and adjacent to a carpark serving The Stoop stadium. Existing lampposts and a telegraph pole are situated within the footway in close proximity to the appeal site, whilst floodlights are located within the car park serving The Stoop. A lattice mast is also located within the area.
6. A number of mature trees can be found close to the river, on both sides. The river also forms the boundary of the CA, which extends away from the site towards the south-west. I understand that the river corridor also comprises Metropolitan Open Land ('MOL'), although the appeal site lies outside of both of these designations.
7. The character of the area is predominantly urban, with the major road and its nearby footbridge, Twickenham Stadium, and The Stoop along with its associated structures and hardstanding, all representing significant urban features that frame the appeal site. Other existing large commercial buildings close to Langhorn Drive also contribute to this character. However, the river, the trees that line it and the relatively small, grassed area of which the appeal site forms part, all contribute positively to the character of the area and provide valuable visual relief to this context.
8. The proposed installation would be situated within the grassed area, and in views along the A316, would be seen, to an extent, against the backdrop of trees which are situated alongside the river, although it would be taller than them. However, it would be more visible to traffic turning into Langhorn Drive from the east, as well as being particularly visible when viewed by pedestrians using the elevated bridge crossing the A316. Its proposed location within a relatively small, and as set out above, valuable area of soft landscaping means that the apparatus would be prominently located to the front of The Stoop site, which would further exacerbate its visual impact and would erode the positive contribution that the grassed area makes to the character of the area.
9. The mast would be appreciably higher than the existing lamp posts serving both the footway in this location, and the A316, and would also project above the trees. It would also be substantially higher than floodlights within the adjacent car park at The Stoop. Despite its design, the height and diameter of the apparatus would set it apart from the lamp columns, floodlights and telegraph poles. Against this background it is my view that the proposed mast would, particularly from certain directions including the MOL, appear as an intrusive feature.
10. There are mature trees within the vicinity of the appeal site, some of which I understand to be afforded protection by means of a Tree Preservation Order. The evidence indicates that the closest tree would be 15 metres from the proposed apparatus, which would also stand at least one metre taller than this closest tree.
11. I acknowledge that in order to maintain the required technical "line-of-sight" that the location of the proposed apparatus close to existing trees may lead to pressure to maintain these trees at an appropriate height. However, I am not persuaded that such works, should they be required, would be likely to adversely affect the longevity or amenity value of the trees.

12. Nevertheless, having regards to my findings above, I conclude that the siting and appearance of the proposed apparatus would harmfully detract from the character and appearance of the area.

Setting of Rosecroft Gardens Conservation Area

13. The significance of the CA is derived, in part, from its distinctive character as an inter-war bungalow development, with regular and spacious layout, and a quiet suburban character. Although altered in some instances, most properties continue to express uniformity in scale and design, with many instances of retained original features.
14. The appeal site lies beyond the extent of the CA, and is separated from the main area of it by the river and an intervening area of trees, however it remains within the setting of the CA. The intervening trees are mature and of significant scale, and provide a verdant backdrop to the CA. They currently screen the large stadium and other development on the opposite side of the river to a significant extent.
15. However, despite the existing trees, the proposed apparatus would nevertheless be visible from within the CA as it would be of a greater height. In particular, the proposal would appear in the background of views along Gladstone Avenue, with the modest scale of the bungalows within the CA accentuating the relative height difference.
16. Although only the upper elements of the proposal would be likely to project above existing trees, the visible presence of the proposed apparatus within the backdrop of the CA would nevertheless harm its suburban character, and introduce an unmistakably large and modern structure to vistas within an area that otherwise has otherwise retained a self-contained and modest character, despite its proximity to a large stadium and a major road.
17. For these reasons, I conclude that the siting and appearance of the proposed apparatus would lead to less than substantial harm to the significance of the setting of the CA. Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
18. Paragraph 114 of the Framework highlights the importance of advanced, high quality and reliable communication infrastructure. There is no basis to question the appellant's contention that additional equipment is necessary to achieve the required standard of network coverage, that the mast's dimensions are the minimum possible for a standalone installation, and that there is a restricted selection of alternative sites within the area. However, whilst I acknowledge the general technical limitations of 5G equipment, the lattice mast that exists in the vicinity of the appeal site is not specifically identified within the sequential site search as having been considered. Therefore, I am not convinced that all potential alternatives to the proposed installation have been fully explored.
19. Whilst the Framework advises that planning decisions should support the expansion of electronic communications networks, it also requires that great weight should be given to the conservation of heritage assets.
20. Therefore, it is my overall view that whilst there would be public benefits arising from the proposal including improvements to 5G service level, connectivity and coverage, it has not been satisfactorily demonstrated that this site is the most suitable option, which therefore reduces the weight that can be given to the proposal. As such, these benefits would not be sufficient to

outweigh the less than substantial harm to the setting of the CA that I have identified would result from the siting and appearance of the proposed apparatus.

Pedestrian and highway safety

21. Whilst the appeal site and the footways around it were quiet at the time of my site visit, I acknowledge that the proximity of the site to The Stoop means that on match days, the area would be busy. I saw that the grassed area on and around the appeal site has signs of wear which are indicative of it being regularly crossed by pedestrians.
22. The footway along the A316 as it meets Langhorn Drive has railings which prevent pedestrians straying onto the main road. However, these would also result in a natural funnelling of pedestrians towards The Stoop car park. Whilst the proposed apparatus would not be significant in terms of its footprint, nor located within the footway it would nevertheless form an obstacle to the flow of large groups of pedestrians at peak times, who would necessarily overspill onto the grassed area. However, the existing railings, would continue to prevent pedestrians straying into the road and as a result, the proposed apparatus would be unlikely to harm pedestrian safety.
23. Although I have found that the proposed apparatus would be visually prominent, in my view it would not be a distraction to drivers such that it would harm highway safety as such structures are not uncommon in roadside locations within urban areas.
24. Accordingly, I conclude that the siting and appearance of the proposed apparatus would not lead to harm to pedestrian and highway safety.

Other matters

25. I acknowledge that the proposal before me represents the evolution of previously refused schemes. However, I am required to consider the proposal before me on its own merits.
26. The appellant has indicated that the proposed apparatus could be colour treated. Whilst such a treatment could serve to reduce the effects of the proposed apparatus, no colour has been specified by the appellant, and the GDPO 2015 does not provide any specific authority for imposing additional conditions beyond those that it sets out. Accordingly, with no mechanism available to secure any colour treatment of the apparatus, and with no colour being otherwise specified, I cannot afford weight to this in reaching my decision.

Balance and conclusion

27. Although I have found the proposal to be acceptable with regards to pedestrian and highway safety, it would lead to harm to the character and appearance of the area and would lead to less than substantial harm to the setting of the CA. This harm is not outweighed by the public benefits of the proposal.
28. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR