



Appeal Decision

Site visit made on 3 May 2023

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/F5540/W/22/3299863

Ellesmere Road streetworks, Chiswick W4 4QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of the London Borough of Hounslow.
 - The application Ref 00392/A/COM1, dated 26 November 2021, was refused by notice dated 19 January 2022.
 - The development proposed is a proposed new 20m high Phase 8 3HG street pole and 3 associated equipment cabinets (colour GREEN-6009) to be located within the adjoining grass verge.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - a) whether the proposal would fail to preserve the character or appearance of the Turnham Green Conservation Area, whether it would fail to preserve the other designated heritage assets nearby, and whether it would harm the significance of any or all of these (the heritage impacts);
 - b) whether it would adversely affect the living conditions of neighbouring residents and,
 - c) if any harm would be caused as a consequence of the above issues, whether it would be outweighed by public benefits.

Reasons

Heritage impacts

3. The proposal is to site a mast and associated units on a grass verge at the junction of Dukes Avenue and Ellesmere Road. Dukes Avenue is a residential street, while Ellesmere Road is a 6-lane dual carriageway with fencing on the central reservation.
4. In the appellants' Grounds of Appeal, it is said on a number of occasions that the site is not in a conservation area. This though does not agree with either the Council's position or the appellants' *5G Roll Out Planning Pre-application Enquiry – Site Detail Sheet*, both of which say it is in a conservation area, namely that of Turnham Green. Moreover, the grass verge on the western side of the Dukes Avenue/Ellesmere Road junction is quite clearly within that

conservation area on its associated area appraisal. I shall therefore consider the scheme on that basis.

5. The significance of the Turnham Green Conservation Area lies partly in the way it still comprises a late 19th/early 20th Century suburb. In this regard, the pleasing domestic nature of its architecture and its mature landscaping contribute to it representing an established and distinctly residential area from that period, and so add positively to its character and appearance.
6. The proposed mast would be roughly twice the height of the existing adjacent streetlights and would be appreciably wider than the lighting columns. It would also be taller than the roadside trees, and while these may screen it to some extent when in leaf, this would only be partial, and would be even more limited during the winter months. I therefore consider that when viewed from Dukes Avenue it would be a striking feature that, with a distinctly industrial nature, would be notably and harmfully at odds with the established and historic residential character and appearance of the conservation area.
7. On the south side of Ellesmere Road is the Chiswick House Conservation Area, and the Grade I listed Chiswick House Park and Garden. The significance and special historic interest of the Park and Garden lie to a great extent in the manner in which it still displays the character and appearance of private pleasure grounds from the 18th Century around a large and impressive house, with a mix of formal gardens, parkland, and areas of a more rural or arcadian nature, interspersed with glasshouses and other smaller buildings and monuments. These together provide an intriguing array of enclosed spaces, open areas and pleasing vistas, offering an insight into the nature and form of such grounds.
8. The Chiswick House Conservation Area is focussed on the house and its gardens, though also includes late 19th/early 20th Century housing to the west. Again its significance partly lies in the way it allows the house and grounds to be seen together forming a unified and impressive composition, and these contribute positively to the character and appearance of the conservation area.
9. On the northern boundary of the Chiswick House Conservation Area, on the opposite side of Ellesmere Road to the appeal site, is the Grade II listed entrance gateway and flanking walls of Chiswick Park. The significance of this rests in it being an impressive entrance to the park, highlighting the park's status, and its detailing of stone and ironwork, appreciated mainly when coming in from Ellesmere Road, contribute to its special architectural and historic interest.
10. I accept that to a great degree the settings of these designated heritage assets are constrained to the north by the dominant presence of Ellesmere Road. Indeed, the effect of this road means the scheme would not harm the significance of the entrance gateway and flanking walls, as they are primarily appreciated as an outward-facing entrance feature marking the start of Chiswick Park.
11. However, running through the Chiswick House Conservation Area and the Park and Garden is a straight, early 19th Century drive that is a continuation of Dukes Avenue. This currently has a distinctly rural feel, with little sense of it being in the heart of a city. When walking northwards, traffic on Ellesmere Road can be seen as it passes across the entrance gateway, but those vehicles

are fleeting and so their impact on the character of the drive is reduced. The proposal though would be directly at the head of the drive, and would be visible as a tall, dominant feature that failed to reflect the rural ambience that is otherwise so clearly apparent. As such, in this regard it would diminish the enjoyment, appreciation and experience of both the Park and Garden and the Chiswick House Conservation Area, thereby causing harm, albeit less than substantial, to the significance of each.

12. In assessing this impact, I appreciate that along the roads in the area are a variety of traffic signs, lighting, apparatus and equipment. However, as stated above, what is proposed would be appreciably taller, while the mast would be wider than the signage poles and lighting columns. Such features are also not as apparent from the drive to the south of Ellesmere Road. As such, the existing highways paraphernalia does not lead me to a different view.
13. Accordingly, I conclude the proposal would not preserve the character or appearance of the Turnham Green Conservation Area, or the Chiswick House Conservation Area, and would detract from the character and appearance of the Park and Garden and its special historic interest, causing less than substantial harm to the significance of each of these designated heritage assets.

Living conditions

14. Whilst the mast would be a tall structure close to dwellings, direct views of it from near to, whether in houses or in private gardens, would be limited. I am therefore not satisfied that it would have an unduly dominant effect on the residents around.
15. Accordingly, I conclude that the proposal would not detract unduly from the living conditions of nearby residents, and so would not conflict in this regard with Policy CC2 in the *London Borough of Hounslow Local Plan*, which requires development to have a positive impact on the amenity of current and future residents.

Public benefits & planning balance

16. There would be less than substantial harm to the significance of both of the conservation areas and the listed Park and Garden. The *National Planning Policy Framework* (the Framework) states that any harm to the significance of designated assets should require clear and convincing justification. Moreover, if less than substantial harm is caused to the significance of any such asset, that harm should be weighed against the public benefits.
17. The appellants state there is a need for this mast here to ensure suitable coverage. Although this is challenged by many local residents, I have no grounds to find that their definition of need accords with that used by the appellants in relation to their obligations and commitments. In any event, the Framework states it is not for me to question the need for an electronic communications system. Furthermore, given the residential nature of the search area, I have no reason to challenge the appellants' contention that this is the optimal site for the apparatus, and, mindful of the sequential approach, no alternative buildings have been identified.
18. I recognise the Framework advocates supporting high quality communications and the expansion of new technologies such as 5G networks. However, it also

says great weight should be given to the conservation of designated heritage assets as they are an irreplaceable resource. Moreover, the Framework adds that telecommunications equipment should be sympathetically designed where appropriate.

19. Although the appellants have found that *'on balance we do not consider that the development will have a demonstrably negative impact upon the 'visual amenities' of the street scene'*, that balanced finding is made on the mistaken premise that the site is not in a conservation area. In my judgement, even though I have no basis to question the appellants' statement of need, what is before me has not been shown as an acceptable balance between operational requirements and environmental impact. Rather, I find that the requirement for this mast does not outweigh the less than substantial harm that would be caused to the 3 designated heritage assets, one of which is Grade I listed. I therefore find the development would conflict with the policies in the Framework when taken as a whole.
20. Accordingly, the scheme would be contrary to Local Plan Policy EC4(c), which requires consideration of the siting and appearance of any installation in relation to heritage assets, as well as Local Plan Policies CC1, CC2 and CC4, which require development of good design to respond to the history and context of the area, and conserve the borough's designated heritage assets. Moreover, there are no material considerations to indicate the decision should be otherwise than in accordance with the development plan.

Other matters

21. Concerns have been raised by residents about potential effects on the health of the local population in general and schoolchildren in particular. However, given my findings this has not been a matter I have had to explore further.

Conclusion

22. For the reasons given above I conclude the appeal should be dismissed

JP Sargent

INSPECTOR