



Appeal Decision

Site visit made on 16 May 2023

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 06 June 2023

Appeal Ref: APP/L5810/W/22/3299589

Broad Lane, Hampton, London TW12 2JW

- 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 Hutchinson Networks (UK) Ltd against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 21/3879/TEL, dated 3 November 2021, was refused by notice dated 23 December 2021.
 - The development proposed is described as "Proposed 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and County 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 this appeal has been made on the same basis.
3. 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, 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 development on the character and appearance of the area and the effect on trees; and,
 - The need for the installation to be sited as proposed having regard to any suitable alternatives.

Reasons

Character and Appearance

5. The appeal site comprises an area of grassed verge, positioned between the pavement and the public highway on Broad Lane, and located close to the junction with The Avenue and Percy Road. An existing lamppost and road sign are also located within that area of grassed verge. Broad Lane is a tree lined residential street which, at the junction with Percy Road, is more open with a number of shops and businesses being set back from the highway. To the east of the site, is Hampton Cemetery which, the evidence before me confirms, has been designated as Other Open Land of Townscape Importance (OOLTI).
6. The proposal is for a 16 metre monopole with an antenna and with wraparound cabinet at its base, in addition to further cabinet structures to also be located within the area of grassed verge.
7. The proposed monopole would be significantly taller than the lampposts and telegraph poles located close to the site. The width and bulk of the monopole would also be significantly greater than that of nearby street furniture, with the mass of the antenna at high level significantly adding to the visual bulk of the proposal. The proposed monopole and antenna would also be taller than nearby and adjacent trees which line Broad Lane. In my view, the relief provided by the area of grassed verge and the trees which line Broad Lane close to the site, make a significant positive contribution to the suburban character and appearance of the area.
8. The nearby and adjacent trees, when in leaf, may provide some screening from views close to the site. However, given the prominent location of the site at the junction and the predominantly straight nature of the highways and associated pedestrian footways that meet at the abovementioned road junction, and by reason of the more open area of land on the opposite side of Broad Lane where the shops and businesses are arranged, the height and bulk of the proposed monopole would be apparent in views over a significant distance. There would also be glimpsed views from within the nearby cemetery which, as above, is designated as OOLTI.
9. In those views, by reason of the height of the proposal, looming over the nearby tree set back from the highway edge, and given its bulk especially at its highest point, the development would appear as an out of scale, industrial and intrusive feature that would appear visually incongruous in the context of the verdant character of Broad Lane and the surrounding area. In my view, the proposed siting and appearance of the installation would cause significant harm to the character and appearance of the area. While conditioning for the colour of the proposal has been suggested, no colour has been specified by the Appellant. In any event, alternative colouring of the proposed monopole would not overcome the concerns with the scheme with regard to its harmful effect on the character and appearance of the area.
10. Furthermore, the height of the proposed monopole and antenna would be taller than the current height of the adjacent trees, which as above, make a significant positive contribution to the character and appearance of the area. No arboricultural evidence has been provided which would assist in assessing the effect of the development on those trees. By reason of proximity of those trees and in the absence of objective evidence regarding potential effects, I

cannot be confident that the proposal would not adversely affect those trees with regards to future pressure to prune, lop or top those trees in order to prevent signal interference.

11. Any potential loss or reduction in the height or spread of those trees would, in my view, harm the above-described positive contribution that the trees make to the character and appearance of the area. Moreover, such management of the trees would be likely to result in more of the development being exposed, creating more open views of the development, increasing its prominence in the street scene and exacerbating the harm that would be caused to the character and appearance of the surrounding area.
12. In conclusion of the above, I find that whilst the harm to the openness of the OOLTI would be very limited, by reason of its siting and appearance, the proposal would have a significant harmful effect upon the character and appearance of the surrounding area. I conclude that, insofar as they are a material consideration, the proposed development would fail to accord with the aims of Policies LP1, LP5, LP14, LP16 and LP33 of the Local Plan, the Framework and the Telecommunications Equipment Supplementary Planning Document which, together and amongst other matters, require that proposals are compatible with local character, protecting views and existing trees.

Need for Installation in this Location and Suitable Alternatives

13. It has been put to me that the proposed development would improve digital wireless, mobile coverage within the area with new equipment to facilitate 5G coverage, and that there are no opportunities to share masts or use existing buildings or structures within the area. Furthermore, the Appellant maintains that potential alternative sites have been also discounted, on grounds relating to residential amenity, protection of existing trees, and highway safety considerations.
14. However, I only have been provided with limited information on the nature and extent of the issues identified by the Appellant in respect of suitable alternatives, or how such conclusions had been reached by the Appellant. It, therefore, has not been demonstrated that the siting and appearance of the development at the identified alternative sites, would be more harmful than the proposal at the appeal site.
15. Consequently, I am not satisfied that the equipment has been sympathetically designed, nor camouflaged, such that the visual impact on the surrounding area has been minimised so far as practicable. Consequently, insofar as they are a material consideration, in these regards the development would fail to accord with the aims of the Framework and Policy LP33 of the Local Plan.

Other Matters

16. The Framework supports high quality communications and notes that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. Moreover, I acknowledge that policies and decisions should support the expansion of electronic communications networks, including 5G mobile technology.
17. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative contained within the Framework for proposals to

achieve well-designed places for the long term. In those regards, for the reasons given above, the proposal would not be effectively screened or camouflaged and would be significantly harmful to the character and appearance of the area.

18. I therefore conclude that it has not been demonstrated that the significant harm to the character and appearance of the area, and the very limited harm to the openness of the OOLTI, arising from the development in this location, would be outweighed by the support contained within the Framework for high quality communications.

Conclusion

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

Mr A Spencer-Peet

INSPECTOR