



Appeal Decision

Site visit made on 17 June 2023

by Tom Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/L5810/W/22/3296105

Old Deer Car Park,¹ Park Lane, Richmond TW9 2RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended 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 'GPDO').²
 - The appeal is made by EE (UK) Ltd. against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application ref. 21/3278/TEL, dated 17 September 2021, was refused by notice dated 8 November 2021.
 - The development proposed is described on the application form as the 'installation of 1 no. 17.5m monopole with 2 no. 300mm dishes, 3 no. equipment cabinets and associated ancillary works thereto.'
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Schedule 2, part 16, class A of the GPDO enables the installation of electronic communications apparatus subject to certain limitations and conditions. One condition is that an application must be made to the local planning authority as to whether their prior approval will be required as to the 'siting and appearance' of the development. As reflected in the Planning Practice Guidance ('PPG'),³ the principle of such development is therefore established, if not the details.
3. Another condition is that the developer must give notice to any person who is an owner, or tenant, of the land to which the development relates. The appeal site is owned by the Crown Estate. The Council is responsible for its maintenance. The appellant's notice of 17 September 2021 erroneously indicates the application was to Basingstoke and Deane Borough Council. That said, the main parties have both considered the siting and appearance of the proposal, as have I.
4. This proposal follows two previously unsuccessful schemes.⁴ They are, however, water under the bridge, and I have determined the current proposal

¹ Albeit that the appeal site is not within Old Deer Car Park, but next to it.

² Including as amended since the Council's decision in respect of application ref. 21/3278/TEL via the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022.

³ Reference ID: 13-026-20140306 and 13-028-20140306.

⁴ Ref. 20/2035/FUL for a 24 metre 'Cypress Tree' installation, and 21/0283/TEL for a 17.5m mast which the appellant sets out included provision for a 0.6m diameter at the top and three cabinets at ground level. There is

on its merits. That the proposal has been reduced in scale relative to previous iterations does not, in any event, mean that it would be acceptable.

5. The appellant explains, however, that reduction in scale means that the installation could only serve EE (UK) Ltd., rather than it having the capability to be shared with another network provider. The appellant also states that there will be the need to 'identify an additional base station to cover the areas to the east (which would not have been necessary with the original proposal)'. There is no indication of progress in that latter respect.
6. The proposal before me includes plans and documents not submitted with the application.⁵ Notwithstanding the provisions of schedule 2, part 16, class A, paragraph A.3(9)(b) to the GPDO, those plans and documents serve principally to provide greater detail relative to the Council's objection to the scheme, rather than significantly altering the nature of the proposal. I note that the GPDO elsewhere specifies that there is no need to submit a new application 'in the case of minor amendments'.⁶ Although an appeal should not be used to evolve a scheme, there is nevertheless no reason to discount the foregoing in terms of procedural fairness.

Statutory and policy context

7. The site falls within Old Deer Park ('ODP'). ODP forms part of the grade I registered Royal Botanic Gardens, Kew ('RPG').⁷ As set out in the appellant's Heritage Appeal Statement ('HAS'),⁸ being to the south of Twickenham Road (A316) the site is at the fringes of the RPG. It is slightly beyond the buffer to the Kew World Heritage Site ('WHS') to the north-west.⁹
8. The site also falls within the ODP Conservation Area (Council ref. 'CA57'). CA57 is effectively coterminous with the ODP, extending to the ha-ha demarcating the WHS to the north, and to the curve of the Windsor and Staines railway line to the south. The RPG extends, to limited extent and irregularly, to the south of the railway line.
9. There the RPG abuts the rear gardens of grade II listed Pembroke Villas, nos. 1-10 Richmond Green.¹⁰ Again reflecting the overlapping nature of heritage designations here, the RPG also abuts the Richmond Green Conservation Area ('CA3') in which Pembroke Villas are located. It appears also to extend fractionally into CA3, via a footbridge over the railway line which leads to a path between an historic property, 'Park Gates', and no. 17 Portland Terrace.
10. Section 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended place duties on me to have special attention to the desirability of preserving or enhancing the character and appearance of

also reference in the information before me to unsuccessful application ref. 21/3348/TEL, the subject of unsuccessful appeal ref. APP/L5810/W/22/3298695 for an installation closer to Twickenham Bridge.

⁵ Plans entitled '78219 New Site Design, Viewpoint 1', '78219 New Site Design, Viewpoint 2', and '78219 New Site Design, Viewpoint 3', an Arboricultural Impact Assessment produced by Arbtech, 11 December 2022 (which contains both a Tree Constraints Plan 'TCP 01' and a Tree Protection Plan 'TPP 01').

⁶ Schedule 2, part 16, class A, paragraph A.3(10) to the GPDO.

⁷ List entry no. 1000830. Notwithstanding the list entry name, botanic gardens were, and are, limited to a certain area of the wider RPG.

⁸ Fuller Long, project ref, FL11942, 14 March 2022.

⁹ Notwithstanding that Local Plan policy LP 6 seeks not only to appropriately protect the WHS and its buffer zone but also 'its wider setting'.

¹⁰ List entry no. 1065319.

Conservation Areas, and to have special regard to preserving the setting of listed buildings. There is substantive overlap with the terms of those duties and the 'siting and appearance' of telecommunications apparatus. The National Planning Policy Framework ('NPPF') sets out how heritage assets,¹¹ irreplaceable resources, should be conserved in a manner appropriate to their significance (with 'great weight' accorded to conservation).

11. Notwithstanding the specific statutory context of certain telecommunications development, I have had regard to relevant elements of the development plan insofar as specifically relevant to siting and appearance.¹² The development plan here includes policies of the Local Plan (adopted 2017) and of the London Plan (adopted 2021).
12. The site is also Metropolitan Open Land ('MOL') to which Local Plan policy LP 13 and London Plan policy G3 relate. As with Green Belt, MOL is designated for its openness and permanence.¹³ Local Plan policy LP 33 provides in principle support for enhanced connectivity, albeit equally setting out how relevant proposals will be 'considered in accordance with national policy and guidance...'. In summary, amongst other things, and notwithstanding that a greater number of Local Plan policies are cited in the Council's decision notice, Local Plan policies LP 1 and LP 3 seek to ensure that development integrates appropriately with its surroundings, and that designated heritage assets are suitably conserved.
13. Mindful that each was a product of its time, I have also had regard to various other documents referenced in the information before me. That includes the ODP [Conservation Area] Study ('ODPS'), and supplementary planning documents related to Telecommunications Equipment ('TSPD'), the Richmond and Richmond Hill Village Planning Guidance ('VSPD'), and to the ODP itself ('OSPD').¹⁴ The Council's officer report also refers to Kim Wilkie Associates' ODP Estate Landscape Strategy for the Crown Estate ('ELS').¹⁵

Main issue

14. Line of sight between mobile telecommunications apparatus and receptors is integral to achieving effective signal coverage. There is therefore often a tension between technological requirements and minimising visual effects of infrastructure. In that, and the foregoing, context, the main issue is the effect of the proposal in respect of siting and appearance.

Reasons

The significance of heritage assets

15. As set out in the ODPS, from which the appellant's HAS draws, and also described in the OSPD and ELS, the RPG has a long and intricate history. Notwithstanding certain more recent insensitive interventions to which I will

¹¹ Designated heritage assets including registered parks and gardens.

¹² An approach consistent with the Inspectors in appeal ref. APP/P587/W/20/3261216 and APP/W5780/W/17/3171954 brought to my attention by the appellant as regards MOL.

¹³ The site also falling within the Thames policy area pursuant to Local Plan policy LP 18. I note that Local Plan policy LP 13, criterion B, sets out that there may be 'exceptional cases where inappropriate development, such as small scale structure, for essential utility infrastructure, may be acceptable'. However that relates to a matter of principle, rather than siting and appearance.

¹⁴ Respectively adopted March 1990, June 2006, June 2016 and March 2018.

¹⁵ Published September 1999.

return, insofar as relevant to this appeal the significance of the RPG and CA57 lies not only in the original establishment of the ODP as royal hunting park, but in a complex overlay of land use, re-use, reapportionment and historic associations.

16. That overlay reflects broader economic, social and philosophical change (including increased pressures successively for agriculture, and thereafter for public leisure, aligned with the expansion of London). Nevertheless a continuous thread running throughout that history is that the land, in and of itself, has continued to be of primary importance. That is the case whether used for hunting, agriculture or recreation. Albeit subject to changing landscape management approaches, and not without nuance, RPG land reflects, and has reflected, that primacy. It is both open and appears 'natural' in character. Those characteristics reflect historic integrity.
17. The Ordnance Survey map of 1898 reproduced in the HAS shows Pembroke Villas. They are described in the historic list entry as a mid nineteenth century ensemble of 5 pairs of houses principally in yellow brick with stucco dressings. They are of grand early-to-mid Victorian Italianate design built roughly around the same time as the railway. As the railway line is set within a cutting here, and reflecting also the changing topography, the HAS aptly notes 'backing onto the railway line are the elevated garden plots to Pembroke Villas.' Whilst the Villas were designed to face Richmond Green, they equally have an aspect across the railway line towards the RPG. That aspect was also conscious.
18. Insofar as relevant to this appeal, the significance of the Villas lies in their fabric, detailing and relationship to their surroundings. Collectively those attributes attest to growing Victorian affluence and architectural approaches of that era, notably of conspicuous display. The Council's decision notice in respect of application ref. 21/3278/TEL does not refer to effects on Pembroke Villas or CA3. Nonetheless I have set out above how heritage designations here overlap and intertwine. Moreover CA57 and the RPG form part of the surrounding context in which CA3 and the Villas are experienced.

The site and its relationship to significance

19. In absolute terms, and relative to the RPG and CA57, the appeal site is modest. It falls close to, and would be accessed via, Old Deer Car Park. The Car Park is an extensive area of hardsurfacing, unsurprisingly dotted with signage and lighting columns. There are various buildings towards the eastern periphery of the Car Park, many of which are modest and utilitarian (and appeared to be in some form of community use). Whilst proposing new boundary features to lessen its visual impact, the ODPS described the Car Park at that juncture as detracting from parkland character. That remains true.
20. The appeal site falls within an element of the RPG to the south of the A316, the majority of the RPG being to the north and north-east of Twickenham Road extending to the Thames. The A316, here four lanes wide, is intrinsically a mid twentieth century engineered intervention in the landscape. The southern flank of the highway is punctuated by street lighting, camera upstands, signage, equipment cabinets and some fencing. Relatively nearby to the east is an overpass providing a route across the A316, near the mid 1960s grade II listed

Richmond Baths and the playing fields by it.¹⁶ Close to the overpass, on the same southern side of the A316, is the location of an unsuccessful proposal for a monopole.¹⁷ Just beyond the overpass relative to the appeal site, by the northern side of the highway, is an existing telecommunications mast. I understand that installation was permitted at appeal in 2017.¹⁸

21. At the time of my site visit, in the evening of 17 June, a number people accessed the RPG next to the appeal site by walking through the Car Park by the railway line (the Windsor & Staines railway being a mid nineteenth century intervention). I accept that is an observation of a particular point in time, albeit that there is nothing to suggest that is atypical. A bare trodden track next to the appeal site, and others criss-crossing what appeared largely untended grassland, attest to public use of this element of the RPG.
22. Setting the history to the RPG to one side in respect of changing landscaping and planting philosophies, this element of the ODP features various mature trees. Those are shown nearby the appeal site on plan no. 78219-003,¹⁹ the proposal representing a slight incursion into the theoretical root protection area of one nearby tree ('T5') and glancing that of another ('T4').
23. On account of the railway line having been cut into the landform, it is not readily perceptible here in longer-range views. Moreover the railway line is flanked by relatively dense vegetation and trees, as is a modest embankment between the Car Park and the site (potentially a bund associated with altered hardsurfacing and landscaping as referred to in the ODPS above).
24. At the time of my site visit, when leaf coverage was relatively full, there were partial views of the rear elevations of Pembroke Villas from vantage points within the Car Park, alongside the A316, and from the overpass mentioned earlier. The location of the site is also indicated in plate 7 of the HAS, as viewed from the footbridge over the railway running next to Park Gates.
25. NPPF paragraph 207 sets out how not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. With reference to the size and location of the site relative to its surroundings, HAS paragraph 3.3.23 sets out how the site is 'in a very discrete section of this developed, and much altered, portion of the southern section of the park'. The HAS also argues that relative significance is 'weighted towards' the WHS element of the RGS and the facades of Pembroke Villas facing Richmond Green.²⁰
26. Whilst the HAS arrives at an aggregate assessment of impact on significance taking account of the nature of the scheme, that appears to be premised on the forgoing (and *inter alia* ascribing little or no heritage value to the site in terms of significance). Whatever word or phrase is used to describe values or effects is imperfect. However, in my judgement, the site has some value to the significance of the RPG, CA57 and to the setting of Pembroke Villas and CA3 for four principal reasons.

¹⁶ List entry no. 1246189.

¹⁷ Application ref. 22/1690/TEL made by CK Hutchinson Networks (UK) Ltd.

¹⁸ Ref. APP/L5810/W/17/3178357 related to application ref. 16/4132/MOB.

¹⁹ Albeit that what appears to be identified as 'T1' has died, and been lopped, at the time of my site visit.

²⁰ HAS paragraphs 3.3.21. and 3.3.44 in particular.

27. Firstly significance here is reflected in layers of landscape history, as opposed to in some form of emparked or Arcadian past state. That the site falls close to the railway separate from the bulk of the RGS does not meaningfully reduce its inherent heritage value in that context. Pembroke Villas, post-dating the creation of the railway line but now recognised as an 'irreplaceable resource', reflects that subsequent alterations to earlier landscapes may in turn have heritage value. Many contextual changes simply reflect successive landscape, and socioeconomic change (which are themselves part of significance).
28. Secondly as a matter of fact rather than of judgement, the site is part of the RPG and as such it is land fundamentally intertwined with the historic evolution of the area. Whilst modest, it appears essentially open and natural (rather than itself being 'much altered'). Those descriptors, as above and despite subsequent changes, are a continuous historic thread. I have set out that this part of the RPG appears relatively well-used publicly, a further aspect of significance in terms of the changing functional use of the land towards leisure.
29. Thirdly, in my view, contextual change cuts both ways. I accept that 'modern' interventions in the landscape including the A316, the Car Park, overpass, and development or paraphernalia associated with, and maintenance of, playing fields detract from historic significance of the RPG and CA57 to some extent. However, if anything, they place greater importance on retaining that historic integrity which remains. Existing harm does not justify further harm. The ELS in particular emphasises the importance of conserving and enhancing the 'whole Grade I historic landscape as a single design piece', advocating improved integration of the southern and northern elements thereof.²¹
30. Fourthly the significance of the RPG and CA57 is not solely in the relative importance of the WHS and its associative significance. It is also present in terms of character and appearance. In my view there is a very clear sense of moving in a short distance to a 'parkland' environment across the path and railway bridge by Park Gates (as was the original concept). Albeit geometrically reflecting the constraints of the railway line in terms of their plots, Pembroke Villas were nonetheless built to also afford an outlook across the RPG.

The proposal

31. The proposal is described in greater detail in the appellant's statement: 'The proposed base station at the appeal site will comprise a 17.5m slimline Alpha monopole finished in grey (RAL7035), supporting 1 no. 18 port AW3820 antennas within a shroud bearing 350°, 110° and 230° and 2 no. dishes bearing 0° and 180° (at a height of 12.50m AGL) providing 2G/3G/4G coverage in the 800 MHz, 1800MHz and 2100MHz Bands. The slimline monopole has a diameter of less than 0.35m along its full length.²² These antennas provide a mixture of voice, data and text to mobile phone users, Home Broadband and Machine to Machine communications, as well as providing an important service for the Emergency Services Network. At ground level 2 no. cabinets finished in green (RAL6009) are proposed together with substantial landscaping around the base...'.²³

²¹ Paragraphs 4.17 and 5.10.

²² A figure of 0.3 instead cited in paragraph 1.5 of the appellant's statement.

²³ Paragraphs 2.15 and 2.15.

32. I am told that the nature of the proposal is the minimum necessary to achieve a technically viable scheme, albeit one with constraints. I note that NPPF paragraphs 114 and 115 refer specifically to 5G technology. Relative to the description above the appellant further clarifies that 'initially only 2G, 3G and 4G technologies will be provided for the local community, the Emergency Services Network and to offset the shortfall in coverage along the adjacent railway for users of the rail network'.²⁴

The effect of the proposal

33. Given 'modern' interventions in the surroundings, notably the Car Park, the A316 and paraphernalia associated with both, I accept the proposal would not appear wholly discordant viewed in that context. The monopole would be relatively slim and uncluttered. Intended to be light grey, it would also be relatively recessive in colour relative to the sky.²⁵ Whilst the height of nearby trees inevitably differs, the appellant's Arboricultural Method Statement ('AMS') indicates that nearby 'T2' reaches a height of about 16.5m.²⁶
34. Associated ground level equipment would, along with the site area, be limited in size. That equipment and security fencing would also be largely occluded by the bund by the Car Park, nearby trees and vegetation, and by virtue of the landscaping proposed.²⁷ Subject to sensitive working methods detailed in the AMS, the wellbeing of nearby trees would be safeguarded. Marrying up the appellant's position on the value of the site with the nature of the scheme, the HAS contends that there would be 'no meaningful' impact on significance considered holistically. I disagree, noting that other appeals cited by the appellant where installations have been allowed serve only to demonstrate that different decisions have been taken in different contexts.²⁸
35. Firstly I have reasoned above that the site has some value to significance, greater than the apparent position of the appellant in that respect. Secondly the appeal site would cease to be, but more importantly within the terms of the GPDO to appear, open. Visual openness is a central component of significance. The land here has been open, perhaps forever. Thirdly the scheme is also intrinsically of modern and engineered form, as opposed to organic. Again, as set out above, a natural character here is also part of significance. Surrounding trees, vegetation and proposed landscaping cannot be relied on to entirely obscure equipment from view. On the appellant's own evidence the monopole would also reach higher than 'T2' and many nearby trees.
36. Albeit I appreciate there is a greater level of contextual paraphernalia as viewed from the Car Park, fourthly such an installation is without parallel in this element of the RPG. The monopole would reach higher, and be bulkier, than the lighting or camera upstands present at the Car Park or alongside the southern flank of the A316. As noted above, it would be widely visible, including in conjunction with rear elevations of Pembroke Villas. Lastly, the monopole would also be partially visible above the railway line embankment

²⁴ Appeal statement, paragraph 1.14.

²⁵ Albeit that the appellant has also suggested that it might be finished in dark green, RAL6009, if that is a preferential approach relative to tree cover.

²⁶ Arboricultural Method Statement prepared by Arbtech, 11 December 2020.

²⁷ Plan entitled 'Landscape Scheme', Revision R2.

²⁸ APP/Q1445/W/20/3249294 relating to a scheme at Arundel Street, Brighton, and APP/N5090/W/20/3245093 relating to a scheme at Colney Hatch Lane in Barnet in place of an existing installation.

trees looking roughly northwards from the path leading over the railway line by Park Gates. Visually that would reduce the clear transition that exists here to a parkland setting. In short, the siting and appearance of the scheme would be jarring and incongruous.

Consideration

37. There is inevitably a differential level of harm to the significance of different heritage assets. However as a fair and proportionate summary, on account of the various moderating factors articulated in paragraphs 33 and 34 above, harm to the RPG, CA57 and to the setting of Pembroke Villas and CA3 may be said to be 'less than substantial' within the terms of the NPPF. That appears to be a potential finding envisaged in the HAS, albeit that there are nuances of phrasing. Paragraph 4.6.22 of the HAS sets out that 'even should a level of harm be ascribed... that level of harm would be negligible and would, it is considered be clearly outweighed by the public benefits...'.
38. That is a confusing position as logically if harm is negligible it is not harm. More importantly, however, NPPF paragraph 200 sets out how 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification' (my emphasis). Less than significant harm is not synonymous with a less than important planning consideration.

Planning balance

39. The appellant argues that it is not legitimate to question either the need for the proposed development, or potential alternatives to a given scheme.²⁹ Both contentions are flatly incorrect. Moreover, were those arguments correct, my decision would finish here (thereby failing to deal with the appellant's points in respect of the benefits of the scheme and alternative sites).
40. NPPF paragraph 114 sets out that 'advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.' Various documents cited by the appellant likewise articulate various benefits to telecommunications infrastructure.³⁰ However, in respect of 'need', the appellant's position appears to be a misinterpretation of NPPF paragraph 118. NPPF paragraph 118 sets out that planning should not 'question the need for an electronic communications system...' (my emphasis). A system differs from a component of a system.
41. Moreover NPPF paragraph 117 sets out how applications for electronic communications development, including applications for prior approval under the GPDO, should be supported by 'the necessary evidence to justify the proposed development'. That follows from the position in NPPF paragraph 115.³¹ The ordinary definition of evidence is information as to whether something is true or valid. Assertion is, by contrast, a confident and forceful statement. Information can be interrogated in a way that a statement cannot.

²⁹ Appellant statement of case paragraphs 2.1 and 2.23.

³⁰ Appellant statement of case, paragraph 1.9

³¹ Which begins 'The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion.'

42. Thereafter NPPF paragraph 117 sets out a non-exclusive list of 'necessary evidence'.³² That list includes, at bullet c), 'for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structure...'. In contrast to the appellant's overarching position regarding alternatives, the appellant has nonetheless presented 'Supplementary Information'.³³ That purports to demonstrate that the proposal before me is justified relative to other potential locations.
43. In practice, multiple actors are involved in the provision of electronic communications networks.³⁴ Consistent with NPPF paragraph 115, the Code of Practice for Wireless Network Development in England (7 March 2022), alluded to via the PPG,³⁵ sets out how use should be made 'of existing structures, sites and masts wherever possible to reduce the need for new development'.³⁶ That is also articulated in Local Plan policy LP 33, criterion 1. I cannot reconcile on the one hand how the appellant can cite the Code of Practice,³⁷ yet also state 'the potential sharing of masts and/ or the need for the proposed development are simply not relevant to the determination of the application or appeal'.³⁸
44. Furthermore, the appellant's Supplementary Information considers 3 'existing sites'.³⁹ All are given the prefix 'EE/H3G', such that mast sharing has evidently been considered to some extent. However the existing telecommunications installation next to the overpass, permitted in 2017 and advanced by Vodafone, does not appear to have been considered as part of that process.
45. In addition to those 3 existing installations, 3 further sites are also discounted by the appellant on the basis of either being outside 'both cell areas' or 'too far away from the optimal area'.⁴⁰ Additionally 5 other sites have also been discounted in part on the same basis.⁴¹ In the absence of cell coverage data or mapping, I cannot establish what the cell areas are, what the 'optimal' area is, or in short whether the appellant's position in respect of the forgoing amounts to anything more than assertion.
46. Of the 9 remaining alternative sites 'not chosen', 2 could not be chosen in any event given that planning permission has been refused,⁴² and 1 appears to relate either to this appeal or to a previous scheme here.⁴³ One further potential has been discounted as 'Old Deer Park is a sensitive area... a proposed installation would likely detract from the existing character...'.⁴⁴

³² Non-exclusive by virtue of being introduced by 'this should include...'.

³³ Prepared by Beaconcomms, pages 11 to 14 in particular.

³⁴ Section 10 of the NPPF referring both to electronic communication networks in the plural and singular (the GPDO referring to the operator's electronic communications network, there being many operators).

³⁵ Reference ID: 13-072-20140306.

³⁶ Noting that further information on the balance between technical needs and constraints, and alternative sites, are referenced in paragraphs 26 and 27.

³⁷ Referred to in paragraph 1.9 of the appellant's statement of case.

³⁸ Final comments, paragraph 2.6.

³⁹ Existing Site - EE/H3G 90528, Existing Site - EE/H3G 58357, and Existing Site - EE/H3G 14339.

⁴⁰ Land South of Richmond Station, Land East of Richmond Station, and 'Grass Strip north of railway and east of River Thames.'

⁴¹ Oriel House, Westminster House, No.1 Church Road, NCP Richmond Station and the Magistrates Court House, which are stated to require 'significant' installations to achieve cell coverage (and thereby discounted on grounds of hypothesised associated adverse effects).

⁴² Those stated to be related to unsuccessful application ref 18/3763/TEL.

⁴³ A site simply named 'Old Deer Park Car Park'.

⁴⁴ 'New RT/GF -Old Deer Park'.

47. That leaves a clutch of 5 further locations, 3 of which have been discounted principally on the grounds of building or site constraints,⁴⁵ and a further 2 principally on grounds of the proximity of nearby dwellings.⁴⁶ I accept that, within the terms by which those sites have been selected, there may very well be insurmountable constraints (particularly in respect of the latter 2).
48. However, on the basis of what the Council accurately describe as 'very short' explanations of reasons for discounting sites, I cannot interrogate whether the conclusions reached in respect of the former 3 are robust. Therefore, fully appraised of the public benefits of supporting high quality communications articulated through the NPPF, GPDO and other documentation referenced above, I cannot rationally reach the conclusion that the public benefits of the particular scheme here would outweigh the heritage harm that would result.

Conclusion

49. For the above reasons the proposal would be unacceptable in respect of siting and appearance. The development proposed would conflict within those terms with the clear expectations of statute, relevant provisions of NPPF paragraphs 115, 189, 199 and 200 and relevant elements of Local Plan policies LP 1, LP 13, LP 33, and London Plan policy G3. Having taken account of all relevant material considerations and evidence before me, I therefore conclude that the appeal should be dismissed.

Tom Bristow

INSPECTOR

⁴⁵ Parkshot House, Network Rail Control Centre and 'Pedestrian Footpath from car park to Portland Terrace'.

⁴⁶ At 'Richmond Green' and at 'Portland Terrace'.