



Appeal Decision

Site visit made on 11 July 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2023

Appeal Ref: APP/L5810/W/22/3306101

Area of Footpath, Gasworld Parts, Upper Richmond Road, West Richmond, Surrey. Grid Ref Easting: 520060; Grid Ref Northing: 175336

- 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 Richmond Upon Thames London Borough Council.
 - The application Ref 22/1792/TEL, dated 1 June 2022, was refused by notice dated 21 July 2022.
 - The development proposed is the installation of a 20 metre high monopole supporting 6 no. antennas, 4 no. equipment cabinets (including a wraparound cabinet) and development works ancillary thereto.
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Decision

1. The appeal is dismissed.

Procedural 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 this appeal has been made on the same basis.
3. The provisions of the GPDO do not require regard to be had to the development plan. Nevertheless, policies in the London Borough of Richmond Upon Thames Local Plan, July 2018 (the Local Plan) and The London Plan are material considerations insofar as they relate to issues of siting and appearance. In particular, they refer to design principles, safeguarding biodiversity, protecting trees and flood protection. Local Plan Policy LP33 is specifically concerned with telecommunications technology and expects the visual impact of apparatus and structures to be minimised and evidence to demonstrate that all alternative siting options have been considered. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications, flood resilience and the protection of species and habitats from significant harm.
4. In the heading above I have referred to the address used in the appeal form as, in contrast to the address in the application form, this more accurately describes the location of the appeal site.

Main Issues

5. The main issues are:

- The effect of the siting and appearance of the proposed installation on local biodiversity;
- The effect of the siting and appearance of the proposed installation on the character and appearance of the area, including with regard to nearby Buildings of Townscape Merit (BTM);
- The effect of the siting and appearance of the proposed installation on flood risk; 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

Biodiversity

6. The appeal site is an area of public footway adjacent to Upper Richmond Road. The submitted plans show that the proposed monopole would be very close to the canopies and outer limbs of adjacent street trees. Even though the mast may clear those features, I have not been presented with an arboriculture report that provides any specific details of the extent of root protection areas (RPAs) relating to those trees, and it may be the case that one or more of the trees has an extensive root system. Furthermore, the various ancillary cabinets would be closer to the trees, where there would be a greater chance of damaging shallow roots. In the absence of a tree survey or similar, I cannot be confident that the equipment could be installed without causing significant harm to the trees' root systems. I consider that the risk of the installation damaging the adjacent trees, and the biodiversity interests and habitats they support, has not been sufficiently explored, nor has any potential mitigation of risk been proposed.
7. I conclude that there is insufficient information before me to provide certainty that the siting of the proposed installation would safeguard local biodiversity.

Character and appearance

8. Close to the site, there are rows of predominantly 2-3 storey terraces lining both sides of the road, with commercial uses occupying the ground floors. These are largely uniform in terms of their appearance and scale, while following a consistent building line. There are tall, attractive street trees lining the street's wide footways, as well as streetlights, benches and bike racks. The street has a coherent and harmonious appearance in terms of the arrangement, height and visual quality of buildings, street furniture and landscaping, which combine to provide a positive contribution to local character.
9. At 20m in height the proposed monopole would rise significantly above the surrounding buildings, trees and lighting columns. Therefore, it would be notably discordant and at odds with the scale of the surrounding structures and street features. The prominence of the monopole would be accentuated by its thickness while the upper portion of the installation would be conspicuous by

the exposed antennae giving it a top-heavy appearance above the adjacent tree canopies.

10. I note there are taller buildings in the locality, but the appeal mast would be located a considerable distance from these such that they would not help assimilate the scale of the installation.
11. The monopole would be highly visible from the wide pavements adjacent to the site. The nearby road junctions to the west where Upper Richmond Road meets Carlton and Coval Roads would also open up wider perspectives of the proposal from medium range views, from where its obvious discordance would be observed. Although from longer range views to the east and west, the appearance of the monopole would become less evident, the industrial appearance of the masthead protruding prominently above the attractive street trees would be eye catching and incongruous.
12. According to the Framework, equipment on new sites should be sympathetically designed and camouflaged where appropriate. In this case the placing of the monopole between existing street trees, would screen it somewhat. This would especially be the case when they are in leaf and therefore have a bulkier form. However, the filtering effects would be from very limited perspectives within short-range views and would not overcome the monopole's visual discordance from other locations nearby. Moreover, the prominence of the monopole would be magnified when the trees have shed their leaves.
13. The potential loss or distorting of the nearby trees, referred to in the first main issue, would erode the aesthetically pleasing influence they have on the streetscene. This would result in more of the monopole and cabinets being exposed and prominent in both long and short distance views along this part of Upper Richmond Road. Such a possibility could create more open views of the monopole and accentuate its discordance in the street.
14. I note that the appellant proposes to colour coat the proposed column and equipment cabinets black, in order to reduce its impact and blend in with its surroundings. However, this would have a limited effect given that the upper portion of the installation would rise considerably above the nearby buildings and trees and draw attention to the proposal as a whole.
15. Nos 350-352 Upper Richmond Road (Nos 350-352) are mid terrace properties located a short distance to the east of the appeal site. These are Buildings of Townscape Merit (BTM) and from my observations, their special interest is derived from their uniformity in scale and the historic detailing they share with adjoining frontage buildings on this side of Upper Richmond Road. When looking at the frontage of Nos 350-352 from the road, the proposed monopole would not be obvious or apparent within the same field of vision, as it would be offset further to the west. The presence of adjacent street trees with their large crowns would also obscure angled views of the BTMs and the proposal. The proposal is therefore not particularly evident within the immediate setting of the BTMs, and I am satisfied that their special interest would be unharmed.
16. Taking account of the above, and notwithstanding my findings in relation to the effects on the BTM, the proposed monopole would be a highly visible addition to the area that would have a jarring and incongruous presence on the surrounding built environment. Therefore, the siting and appearance of the

proposed installation would harm the character and appearance of the surrounding area.

Flood risk

17. The appeal site is located within Flood Zone 1 and is designated in a critical drainage area susceptible to groundwater and surface water flooding. The appellant has not disputed these identified flood risks. The proposal would result in additional structures on the site, and no flood risk assessment or other substantive evidence has been provided to demonstrate that there would not be a consequent increase in flood risk at the site or elsewhere.
18. Therefore, I have insufficient evidence to conclude that the siting of the proposed installation would not unacceptably increase flood risk in the area.

Need for the installation in this location and suitable alternatives

19. The Framework indicates that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The expansion of electronic communications networks should generally be supported. However, equipment on new sites should be sympathetically designed and camouflaged where appropriate.
20. There is a plethora of evidence in addition to the Framework which also supports the delivery of 5G technology and which underlines the importance of it to many aspects of modern life. The Government considers that the case for 5G is compelling with the potential to improve the way that people live, work and travel. The overall benefits to the economy would be considerable and paragraph 81 of the Framework establishes that significant weight should be placed on the need to support economic growth.
21. According to the appellant, there is currently a shortfall in 4G and 5G coverage south of Upper Richmond Road and Richmond Park which needs to be addressed by the proposed installation. The proposal would also be beneficial to the immediate area by securing continuing and improved connectivity for local businesses, industry, and commuters. An effective network had been shown to be especially important during the pandemic to, amongst other things, support home working and the shift in demand to residential areas.
22. Paragraph 117 c) of the Framework expects evidence to be submitted that the possibility of erecting antennas on an existing building, mast or other structure has been explored. Similarly, Policy LP33 of the Local Plan expects evidence to demonstrate that erecting masts on existing tall buildings or structures, have been fully explored before considering the erection of new structures or facilities. Seven nearby sites were considered and discounted by the appellant for a combination of amenity, technical and practical reasons. Some of those alternative locations included tall buildings at Park Sheen and Orleans Court.
23. Although the appellant states that there are no buildings of requisite height in the vicinity, this does not preclude a monopole being placed on a lower roof to at least minimise the height of the monopole. Moreover, I noted during my inspection of the area that the discounted option at "Topps Tiles" was directly adjacent to a tall, four-storey, flat roof building, that was not included in the assessment of alternative sites. Yet other structures of similar height, such as the nearby building at Park Sheen were assessed, which in my view, raises uncertainty on whether sufficient alternative sites were explored.

24. A plan of the intended cell/ target area has been provided, yet the locations of the discounted sites are unclear, casting doubt on the extent of that area and whether sufficient alternative sites were explored within it.
25. Therefore, added together the social and economic benefits associated with the proposal would be significant. However, the contention that all other avenues have been pursued is weakened by the lack of clarity on the location of the alternative sites within the cell area and where this extends to. Moreover, I am not convinced that other possible rooftop sites on tall buildings in the cell area have been fully explored.

Other Matters

26. Other issues have been raised by local residents including the direct effect on highway safety. However, the proposal would not obstruct the pedestrian footway given the generous width and available space of this area, whereas there is no good reason to assume that a mast would be such a distraction to drivers as to be hazardous.
27. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by ICNIRP. In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine and there is no reason to depart from national policy in this respect.

Planning Balance

28. Whilst I acknowledge the proposal would deliver significant benefits to mobile telecommunications in the area, on the other hand the proposal would result in significant harm to the character and appearance of the area, while I am unable to conclude with certainty, that the proposal would not result in harm to local biodiversity and flood risk. Furthermore, I am provided with insufficient evidence that alternative locations could not deliver the same benefits whilst having a less harmful effect on the character and appearance of the area, local biodiversity, and flood risk.
29. Therefore, in these circumstances, the totality of the harm, together with the possibility that more appropriate sites exist, outweighs the need for the proposal.

Conclusion

30. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR