



Appeal Decision

Site visit made on 5 December 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 January 2024

Appeal Ref: APP/L5810/W/23/3323123

Streetworks installation at Montrose Avenue, Hospital Bridge Road, Twickenham, Middlesex TW2 6LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').
 - The appeal is made by Hutchison 3G UK Ltd against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 23/0102/TEL, dated 13 January 2023, was refused by notice dated 6 March 2023.
 - The development proposed is the installation of a new 16m-high telecommunications monopole and 3no. ground-based equipment cabinets; and ancillary development.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO') for the installation of a new 16m-high telecommunications monopole and 3no. ground-based equipment cabinets; and ancillary development thereto at Montrose Avenue, Hospital Bridge Road, Twickenham, Middlesex TW2 6LH, in accordance with the terms of the application Ref 23/0102/TEL, dated 13 January 2023, and the plans and drawings submitted with it, including the submitted Arboricultural Report Ref: SA/2113/23-A, 20 March 2023.

Preliminary Matters

2. The Council has referred to development plan policies in its decision notice. However, the principle of development is established by the GPDO and this does not require that regard be had to the development plan. I have nevertheless had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
3. Since the Council determined the application, an updated version of the National Planning Policy Framework (2023) ('the Framework') has been issued. However, the changes this brings do not alter my findings in respect of this appeal.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and nearby trees.

Reasons

Character and appearance

5. The appeal site comprises part of a grass verge in front of a footpath at Hospital Bridge Road, near the junction with Stirling Road.
6. The appeal site falls within the Warburton Road and surrounds Character Area 10 in the Whitton and Heathfield Village Planning Guidance. This sets out that the 'area lies to the west of Hospital Bridge Road and is characterised by short terraces and semi-detached pairs of largely inter war, two-storey houses.' A feature of the estate is a series of triangular greens planted with trees to create a garden city feel to the estate.
7. The grass verge which the appeal site is a part of also incorporates trees. This is set against the backdrop of a larger landscaped area. Similar grass verges and landscaped areas are located on the other side of the entrance to Stirling Road.
8. The nearby green spaces and street trees contribute to an attractive and verdant street scene. Because the appeal site forms part of a largely landscaped space, this also contributes to the character and appearance of the area.
9. Nearby street furniture includes highway signage, which is of a modest scale and settled within the street scene. However, taller elements of street furniture comprise streetlights and telegraph poles. Furthermore, nearby street trees are substantial and prevalent within the street scene.
10. The proposal is required to provide mobile network coverage to the local area.
11. In the abovementioned context, the proposed 16m high monopole would be visible within the street scene. However, because of its relatively slender column and unobtrusive headframe design, this would be a rather simple structure. As such, this would not be particularly prominent relative to nearby streetlights.
12. Also, because the monopole would not be significantly taller than nearby trees, these would offer some screening of the monopole from along Hospital Bridge Road and the wider area.
13. The proposed three cabinets would be of a modest size. These would be located nearby and neatly arranged in line with the monopole and therefore would be visually unobtrusive. Also, all the equipment would be finished in dark green (RAL 6009) which would assist this to assimilate with the site's verdant setting.
14. Overall, because of its siting and appearance, the proposed telecom apparatus would not undermine the quality of the grass verge which the appeal site is part of or other nearby green spaces or diminish the garden city feel to the estate.
15. Drawing on the above reasons, the proposal due to its siting and appearance would not unacceptably harm the character and appearance of the area.
16. Consequently, the proposal would also accord with LP1 and LP33 of the Richmond Local Plan (2018) ('LP'), insofar as these are relevant to matters of siting and appearance.

Trees

17. As part of this appeal, the appellant has submitted an 'Arboricultural Report.' This includes a tree survey and an arboricultural assessment and tree protection specification in respect of the proposal. In particular, this report identifies Tree T1, to the north, which is a semi-mature street tree of good form, health and structure, and Tree T2 which is one of two mature trees located on a larger landscaped area to the west of the appeal site.
18. The arboricultural assessment confirms that the positioning of the equipment ensures that there would be no detrimental impact on the above trees during installation, as well as there being no long-term conflict between the trees and the operation of the equipment. I have no reason to dispute this.
19. As such, the proposal would not harm any nearby trees. The proposal therefore also accords with Policy G7 of the London Plan and LP Policy LP16, insofar as these are relevant to matters of siting and appearance with regard to trees.

Other Matters

20. The Council's third reason for refusal refers to Paragraph 117(c) of the Framework. This outlines that 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 should be submitted.
21. Even though the search area is constrained, a number of alternative sites were considered and subsequently discounted. Notwithstanding this, because I have found that the siting and appearance of the development in the proposed location, would not result in any unacceptable harm, it is not necessary for me to consider other sites that have been or could have been assessed.
22. The Council's fourth reason for refusal alleges that the appellant failed to supply the details of the outcome of consultations with organisations with an interest in the proposed development. Based on the appellant's submissions correspondence was issued to headteachers and school governors of the schools in proximity to the proposed site. Furthermore, on the evidence before me, no formal responses have been received from those establishments. Therefore, I am satisfied that the appellant has sufficiently discharged their requirement, under Paragraph 117 (a) of the Framework.
23. In addition to the above matters, third parties have raised concerns about highway safety, and the siting of the proposal being in conflict with a potential cycle lane. However, these matters were addressed by the Council and these did not form part of its reasons for refusal. I have also considered these matters and have no reason to disagree with the Council's findings.
24. The appeal documentation contains an International Commission on Non-Ionizing Radiation Protection declaration. Therefore, in line with the requirements of the Framework, I have no reason to believe that the proposed development would lead to an adverse effect upon the health of individuals.

Conditions

25. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except

to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

26. Accordingly, as suggested by the Council, it is not necessary for me to impose conditions specifying any approved drawings and the colour for the proposed equipment, which is cited on the submitted drawings. Nevertheless, for the purposes of my Decision I have added a reference to the Arboricultural Assessment which was submitted during the appeal.

Conclusion

27. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

M Aqbal

INSPECTOR