



Appeal Decision

Site visit made on 6 February 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st May 2024

Appeal Ref: APP/L5810/W/23/3328374

Richmond Telephone Exchange, Sheen Road, London, TW9 1LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by c/o agent - Telent Cellnex against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 23/1102/FUL, dated 25 April 2023, was refused by notice dated 26 June 2023.
 - The development proposed is described as:
Sector 1: The removal of 3 x CTIL (TEF) antenna at 2 x at 17.4m and 1 x at 16.5m plus the removal of 3 x CTIL (TEF) MHA's from the exchange rooftop. These are to be replaced by the installation of 1 x new CTIL (TEF) antenna at 16.5m on existing support pole, 1 x CTIL (TEF) SHF 0.3m HP Dish at 16.5m on new mounting steelwork plus ancillary equipment including 2 x RRU's and 1 x GPS module at 18m on existing antenna support pole. A new ladder system will also be deployed upon the existing rooftop tripod mount.
Sector 2: The removal of the existing rooftop tripod mount and rooftop cable tray plus the removal of 1 x CTIL (TEF) antenna at 16.5m. These will be replaced by a new climbable tripod support structure for the deployment of 1 x CTIL (TEF) antenna at 16.5m, 1 x new CTIL (TEF) SHF 0.6m HP Dish antenna at 16.5m plus ancillary equipment including 2 x RRU's to the side of the antenna.
Sector 3: The removal of the existing rooftop tripod mount plus partial removal of cable tray plus removal of step over cable tray and access ladder and the removal of 1 x CTIL (TEF) antenna at 16.5m. These will be replaced by a new climbable tripod support structure for the deployment of 1 x CTIL (TEF) antenna at 16.5m, 1 x new CTIL (TEF) SHF 0.6m HP Dish antenna at 16.5m plus ancillary equipment including 2 x RRU's to the side of the antenna.
Ancillary works to include the installation of a new cable management system to house new feeders and cables and a new step over on the roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, a new version of the National Planning Policy Framework (the Framework) was published. However, as the Framework's policy content insofar as it relates to the main issue has not been significantly changed there is no requirement for me to seek further submissions on the latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

3. The main issues are the effect of the proposals on the Sheen Road Conservation Area and the St Mathias Conservation Area and nearby heritage assets including Grade II listed buildings¹ and non-designated heritage assets.

Reasons

4. The appeal site comprises parts of the roof of the Richmond Telephone Exchange, an unlisted, but distinctive three-storey building of brick construction located in a predominantly residential location close to the junction with Paradise Road and Richmond town centre. Although the building is set back from the road part of its front elevation is visible within the streetscene between two listed buildings at 6 Paradise Road and Chalom House. The wider Telephone Exchange site has boundaries with the gardens of residential properties which face Church Road, Dynevor Road and Mount Ararat Road, and is visible from these roads.
5. The majority of the Telephone Exchange site and appeal building falls within the Sheen Road Conservation Area with a smaller section to the rear within the St Mathias Conservation Area. The St Mathias and Sheen Road Study January 1994 identifies that the two conservation areas form a large irregular area of mixed building styles and forms unified by the dominant nineteenth century date and a consistently high quality townscape as such the numerous residential properties bounding the appeal site comprise Buildings of Townscape Merit (BTM), which are non-designated heritage assets.
6. The attractive and cohesive architectural quality and residential character of the buildings and their close relationship with each other are factors which contribute to the special architectural and historic interest, and thus the significance, of both the conservation areas. The Grade II listed buildings front Sheen Road and Paradise Road and are located to both sides of the Telephone Exchange site. The significance of the listed buildings is similarly derived from their clustering, architectural and historic interest forming an impressive route towards the centre of Richmond.
7. Policy LP33 of the London Borough of Richmond upon Thames Local Plan adopted July 2018 (the Local Plan) supports the enhanced connectivity of the borough through supporting infrastructure for high speed broadband and telecommunications subject to fulfilling criteria. I also note Policy SI6 the London Plan March 2021 (the London Plan) supports the use of rooftops for well-designed and suitably located infrastructure and there is similar support contained in chapter 10 of the Framework. My attention has also been drawn to the Government UK Wireless Infrastructure Strategy April 2023 and the ambition to deliver nationwide coverage of standalone 5G to all populated areas by 2030.
8. There is existing equipment on the roof of the Telephone Exchange of varying sizes. The proposal would remove five antennas, three of which are positioned close to the faces of the building and are the main publicly visible elements. From my observations, these existing antenna are relatively slim, consisting of

¹ Historic England List Entries: Spring Terrace 1 and 2 Paradise Road 1180522; Spring Terrace 3 and 4 Paradise Road 1357752; Spring Terrace 5 and 6 Paradise Road; Chalom House Spring Terrace 1180580; Court Lodge 41 Sheen Road 1109685; 43 Sheen Road 1252747; and 45 Sheen Road 1262122.

singular upright antenna and supporting arms. The remaining antennas are more centrally positioned behind the GRP screen and close to a roof cabin.

9. At the time of my site visit, when leaf coverage was partially bare, there were views of the existing equipment on the upper floor of the appeal building available from the public domain. Views of the antenna were possible between the two listed buildings at 6 Spring Terrace and Chalom House. Similarly there were views across rear gardens of the upper part of the north east elevation from Church Road, and south west elevation from Mount Ararat Road.
10. The appellant does not consider the antenna differs from those it seeks to replace and states that they would be installed at the same height. The proposed plan² shows the proposed development antenna to be larger. The dish, other equipment and ladders would represent a more extensive amount of equipment, whether or not the supporting elements require permission, they are shown on the plans before me. Whilst certain elements of the development may on their own appear negligible, in contrast to the existing antenna they appear to have multiple and larger facets. In my view, based on the evidence before me, they would be similarly close to the building facades, and seen above the roof parapets. Appearing larger and bulkier the development would appear increasingly prominent, overtly utilitarian and jarring in contrast to the more traditional, and largely unadorned appearance of the residential roofscapes of the BTM and listed buildings surrounding the site.
11. The proposed development would be seen against parts of the host building, but also the skyline and visible and prominent from the public domain. As the third party correspondence advises they would be visible seen from private properties and gardens, and due to the fall of the land the development would be seen against the backdrop of the listed buildings. I accept there would be a reduction in equipment overall, but several elements to be removed are not immediately noticeable and they are concealed or mitigated by the screen. Therefore their removal does not weigh significantly in favour of the development as this would not be readily apparent whereas the introduction of wider equipment would increase the visual clutter.
12. I am not convinced that that the changes would be particularly minor in the surrounding high quality architectural, historic and residential environment. The presence of existing antenna lessens the incongruity to a degree, and tree coverage would help to screen the development from public roads when in leaf. However, the increased size would appear increasingly alien and not preserve or enhance the pleasant residential character of both conservation areas, and their significance would be harmed. The proposal would also interfere with experiencing the listed buildings, albeit predominantly from private views, and would also harm the significance of the listed buildings by adversely affecting their setting. The proposal would also affect the setting of the surrounding BTM which I have also taken into account.
13. This leads me to conclude that the proposal would fail to preserve or enhance the character and appearance of the Sheen Road Conservation Area and the St Mathias Conservation Area or preserve the setting of the listed buildings and they would harm the setting of the non-designated heritage assets. The harm in all cases would be less than substantial.

² 168655-22-151-MD014 Rev 14 Antenna Plan Proposed

14. Paragraph 205 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of designated heritage assets. Paragraph 208 requires decision makers to weigh any less than substantial harm against the significant public benefits of the scheme. That balancing exercise must take place in the context of Section 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which place duties on me to have special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas, and to have special regard to preserving the setting of listed buildings.
15. Telecommunications infrastructure is an inherent public benefit. I recognise that the government is pushing to support this type of development and the scheme would be a significant public benefit in this particularly busy urban location. The Framework informs us that advanced, high quality and reliable communications infrastructure is essential to economic growth and social well-being. Decisions should support the expansion of communications networks including next generation mobile technology such as 5G. The appellant has set out a plethora of environmental, health and educational benefits that flow from enhanced telecommunications provision through efficiencies that can be made to the systems that we increasingly rely upon on a day-to-day basis and in particular indoor 5G coverage to parts of Richmond for the first time.
16. I note that the scale of the development is the minimum size required to deliver the relevant coverage, that structural constraints, operational considerations such as line of sight, health and safety requirements for the roof and landowner stipulations have informed the proposed development. I also acknowledge that the Framework also supports the use of existing masts, buildings and structures for new equipment within paragraph 119. The proposed development for the installation of a rooftop stub mast in lieu of the replacement antenna is also noted as is incompatibility of the equipment being screened by shrouds.
17. However, the Framework at paragraph 121 also advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. Whilst I appreciate that there are elements that make the site favourable and the existing site is already in electronic communication use, given the high quality character and sensitivity of the site and the area, the absence of alternative site assessments for the 5G requirements tempers the weight I can attribute to these aspects. There is no substantive evidence that the consideration or use of another rooftop on a different building or other form of telecommunication development would result in non-compliance with national and local plan policy. This would ultimately depend upon site specific judgements.
18. In these circumstances, I consider that the substantial weight to the public benefits of the proposal fall short of outweighing the harm that would arise to the designated and non-designated heritage assets to which I am obliged to assign considerable importance and weight.
19. I conclude that the proposals would be in conflict with policies LP1, LP3, LP4 of the Local Plan. Collectively, these seek, amongst other matters, to ensure the high quality character and heritage of the borough is maintained, give great weight to the conservation of the heritage assets, non-designated heritage assets are preserved and that the visual impacts of telecommunications

proposals should be minimised, in line with policies on local character and design, particularly on roof tops. For similar reasons, the proposal would also conflict with the draft Supplementary Planning Document 'Telecommunications Equipment' (2006).

Other Matters

20. The Appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. This weighs neither for nor against the proposed development.
21. There is a theoretical possibility that a fallback development could take place, however I have no detailed drawings before me which clearly identify what the development would look like, or where it could be erected. Noting that earlier works presented to the Council in March 2021 could not be implemented and given the constraints surrounding the use of the roof of the appeal building, there is no substantive evidence that it could be implemented. The presence of the fallback position does not outweigh the harm arising from the proposal or the conflict with the development plan and the Framework.
22. The appellant has referred to linked appeals which were allowed³ on a tall nearby Grade II listed building following refusal by the Council at Lichfield Court. Whilst noting the Inspectors' conclusions in those appeals, in particular the weight to be given to the benefits of the proposals, an assessment must be made on the site-specific considerations in each case. Although the appeal site is not a listed building, the surrounding context of the appeal site before me has a more gentle arrangement than that of taller, more imposing and larger Lichfield Court where the height of the development does not draw the eye. As such I have also given substantial weight to the benefits of the proposal but can draw a distinction between the two sites.
23. Whilst the appellant queries the relevance of the concerns raised by the Inspector in the previous 2006 appeal, I have undertaken my own assessment. I have determined the appeal based on the information before me and my own observations. Although interested parties and the Council refer to the visual amenity of the proposed development, the effect on the outlook and living conditions of the occupiers of nearby buildings has not in fact been transposed to the Council's reason for refusal. I have no substantive evidence before me that the proposal would result in harm to the outlook of the occupiers of neighbouring buildings.
24. The appellant has highlighted many telecommunication proposals granted and refused by the Council. I do not have all the relevant details to ascertain whether these are of relevance to this proposal. Although the Council appear to have refused more schemes in those presented to me, it is not clear how the Council's failure to address its apparent stance on telecommunications is relevant to this appeal. There are other avenues open to appellant, separate to

³ APP/L5810/W/21/3271236 and APP/L5810/W/21/3271241

the appeals system, to address these concerns with the Council and discuss proposed sites.

Conclusion

25. I have taken into account the economic and social benefits of the proposal, and the supporting documentation provided that demonstrate the merits of an effective communications network. Nonetheless, for the reasons given above, I do not find these benefits outweigh the harm that would be generated.
26. Having taken all other matters into account, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR