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# Appeal Decision

Site visit made on 28 March 2024

**by R Lawrence MRTPI, BSc (Hons), PGDip (TP)**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 May 2024**

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**Appeal Ref: APP/Z5630/W/23/3325272**

**Jubilee Way SF, Jubilee Way, Chessington KT9 1TR**

- 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 Article 3(1) and 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 Cornerstone Telecommunications Infrastructure Ltd (Cornerstone) against the decision of the Royal Borough of Kingston Upon Thames.
  - The application Ref is 22/03721/TEL.
  - The development proposed is the installation of a 20 metre high slimline monopole supporting 6no. antennas, the installation of 2no. equipment cabinets along with associated ancillary development thereto.
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## Decision

1. The appeal is allowed and 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) for the siting and appearance of the installation of a 20 metre high slimline monopole supporting 6no. antennas, the installation of 2no. equipment cabinets along with associated ancillary development thereto at Jubilee Way SF, Jubilee Way, Chessington KT9 1TR in accordance with the terms of the application Ref 22/03721/TEL dated 28 November 2022, and the plans 100 Rev A Site Location Plan, 201 Rev D Proposed Site Plan and 301 Rev E Proposed Site Elevation.

## Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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, considering any representations received. This appeal has been determined on the same basis.
3. The appellant has submitted amended plans with the appeal. These relocate the 5G antennas from the bottom of the stack to the top. This change would not amount to a substantial difference from the plans already submitted. The appeal procedure has provided an opportunity for the main and interested parties to comment on the amended plans. I am therefore satisfied that considering the appeal on the basis of the amended plans would not prejudice the interests of any party. I have therefore determined the appeal on this basis.

4. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. Accordingly, I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only insofar as they are relevant.

### **Main Issue**

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

### **Reasons**

6. The appeal site is located on the pavement to the side of Jubilee Way. The road features several vertical structures including street lamps, street signage and a telegraph pole. The area is characterised by industrial and commercial uses which includes a large open car park immediately opposite the site. Dense tree cover along the edge of the pavement separates the road from an area designated as Metropolitan Open Land.
7. Policies CS8, DM5 and DM10 of the Council's adopted Local Development Framework Core Strategy (April 2012) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure that development does not have a detrimental impact on the visual amenities of the Metropolitan Open Land and proposals relate well and connect to their surroundings. Similarly, paragraphs 118 to 122 of the Framework relate to supporting high quality communications and are also a material consideration.
8. The Council's reason for refusal also cites Policy DM12, which relates to development in Conservation Areas and Affecting Heritage Assets. As the appeal site is not located in a Conservation Area and does not lie in close proximity to any other heritage assets, this policy is not relevant.
9. The proposed structure would be located in close proximity to existing vertical structures and street furniture. Its' functional and industrial appearance would reflect the industrial and commercial uses which characterise the area. Whilst the structure would be significantly taller than other vertical structures in the street, it would have a relatively slimline appearance. Given the presence of other vertical structures, the proposed structure would appear in keeping with its surroundings.
10. The dense vegetation bordering the pavement and appeal site would provide a good level of screening from the Metropolitan Open Land. Due to the height of the structure and as the level of cover provided by the trees would vary by season, some views would still be possible. Nonetheless, only a small portion of the structure would be visible. There would be a reasonable separation between the site and the Metropolitan Open Land, such that the structure would not appear unduly prominent.
11. In line with paragraph 121 c) of the Framework, evidence has been provided that the appellant has explored the possibility of erecting antennas on an existing building, mast or other structure, such possibilities have been discounted for specified reasons. As I have not identified any harm that would occur as a result of the proposal, there is no need to consider the other sites that have been assessed.

12. In conclusion, the effect of the siting and appearance of the proposed installation on the character and appearance of the area would be acceptable.

**Other Matters**

13. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

**Conditions**

14. 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). These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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.

**Conclusion**

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

*R. Lawrence*

INSPECTOR