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# Appeal Decision

Site visit made on 12 January 2016

**by Kevin Gleeson BA MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 02 March 2016**

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**Appeal Ref: APP/L5810/W/15/3133227**

**Footpath on Mortlake Road, adjacent junction of West Hall Road, North Sheen, Richmond TW9 4EE**

- 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 Vodafone Limited against the decision of the Council of the London Borough of Richmond-upon-Thames.
  - The application Ref 15/0191/TEL dated 15 January 2015, was refused by notice dated 24 February 2015.
  - The development proposed is described as the installation of 13.5 metre dual user monopole housing six antennas together at the top of the structure with 2no. 300mm transmission dishes below. The main stem of the column is cylindrical and will measure 324mm in diameter in which towards the top it will taper to a 540mm diameter antenna shroud. The length of this cylindrical antenna shroud section will be 3700mm. There would be 3no. equipment cabinets and 1no. metre cabinet.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The appellant has indicated that the location of the proposed pole has changed to the extent that what is now proposed is approximately 9 metres to the east of the originally submitted proposal. However, this change was not submitted during the course of the Council's consideration of the proposal. Consequently, the Council based its decision and consulted interested parties on the original scheme. In my judgement the difference in siting is significant and the revised proposal is materially different. Accordingly, given the extent of the change I have determined the appeal on the basis of the plans upon which the Council made its decision in the interests of fairness to other parties who I cannot be satisfied have had the opportunity to comment on the revised location.

## Main Issues

3. The main issues are:
    - a) the effect on the character and appearance of the area including the setting of West Lodge and West Farm, a grade II listed building; and
    - b) whether any harm is outweighed by the need to site the installation in the location proposed.
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## Reasons

### *Character and Appearance*

4. S66(1) of the Planning (Listed Buildings and Conservation Areas ) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting.
5. Mortlake Road is a major thoroughfare in south-west London carrying significant volumes of traffic. Nevertheless the road is single carriageway with a 30mph speed limit. The character of the area derives from large established residential properties many of which have gardens with large mature trees although no residential properties directly face the appeal site. There are also street trees on Mortlake Road together with a range of street furniture.
6. The appeal site is located at the junction with West Hall Road where the footway is wide and there is a considerable amount of existing street furniture including a bus shelter and sign, a bench, a litter bin, road signs, lamp columns, a post box and a street tree. At the back of the pavement is a fence, approximately 1.8 metres in height, forming the boundary with no. 2 West Hall Road.
7. Opposite no. 2 West Hall Road, on the junction with Mortlake Road is West Lodge and West Farm which is a grade II listed building and therefore has significance as a designated heritage asset. According to the list description it is a late 18<sup>th</sup> or early 19<sup>th</sup> century two storey house of stock brick with a red tiled roof. The listed building is set back from both road frontages and is generally screened by trees and hedges although the building can be viewed from the appeal site. Although I viewed the property when the trees were not in leaf I acknowledge that the listed building would be less visible at other times. Nevertheless I consider that the visual relationship between the appeal site and the listed building contributes to the setting of the listed building and the asset's significance.
8. At 13.5 metres high the pole would be approximately 3.5 metres higher than the lighting columns on Mortlake Road and taller than any neighbouring structures locally including some trees. At the lower level the monopole would have a greater diameter than the lighting columns locally with the dishes and shroud adding to the bulk at a high level.
9. Other vertical structures and trees would provide the backdrop to the proposal and the green colour would also reduce the visual impact, helping to limit the harm caused. However, because of the height and bulk of the proposed monopole, with greater bulk towards the top, the impact of the monopole on the street scene would still be harmful. By virtue of its height and form I find that the monopole would be a prominent feature in the street scene and the backdrop of trees and other tall street furniture would do little to soften the impact when viewed at some distance or close up. It would be highly visible in views along Mortlake Road from either direction as well as from Taylor Avenue, across Mortlake Road and from West Hall Road.
10. The equipment and meter cabinets, whilst proposed to be positioned against an existing fence and coloured green would together add to the considerable existing street furniture in the locality which would detract from the character

and appearance of the street scene. Given the size of the cabinets I do not accept the appellant's claim that they would be inconspicuous and not unduly prominent and consider that they would have an adverse visual impact.

11. I consider that the setting of the listed building would be adversely affected by the monopole because of its proximity and height. However, in spite of the harm to the street scene by the proposed cabinets because of their scale and location they would not detract from the setting of the listed building. I consider that the harm caused to the significance of the heritage asset would be less than substantial. The National Planning Policy Framework (the Framework) states that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
12. The proposal would be in conflict with Policy CP7 of the London Borough of Richmond upon Thames Core Strategy, 2009 which states that existing buildings of historic interest will be protected from inappropriate development and that new development should contribute to creating design quality. The proposals would also conflict with the Council's Development Management Plan, 2011 Policies DM DC1 which promotes design quality having regard to local character, DM DC5 which seeks to protect adjoining properties from visual intrusion and DM HD2 which aims to protect the setting of listed buildings where proposals could have an impact.
13. The Council's Supplementary Planning Document on Telecommunications Equipment, 2006, whilst predating the Framework, sets out locational criteria for monopole masts and counts against the proposal in that it would be prominent in the street scene and would be detrimental to the character or appearance of a listed building. I therefore find that the proposal would fail to preserve the setting of the nearby listed building.
14. The harm arising from the visual impact of the monopole and cabinets, together with the harm to the setting of the listed building, to which I attach considerable importance and weight, needs to be weighed against the need for the installation and the benefits for network coverage.

#### *The Need for the Installation*

15. I have given significant weight to the appellant's evidence as to the need for, and public benefit of, the installation in this general location. In addition, I have given weight to the fact that the monopole and equipment cabinets would serve two companies and would promote multiple services from a single installation.
16. The Framework states that applications for telecommunications development should be supported by evidence that the possibility of erecting antennas on an existing building or structure has been explored. The appellant considered a number of alternative sites before submitting the application and following the determination by the local planning authority. These comprise rooftop locations as well as greenfield sites. Alternative locations have been rejected either because of operational difficulties or because of a lack of confirmation of interest or unwillingness of owners to accommodate telecommunication equipment. However, the approach towards one site, the National Archives, is not clear. The appellant's initial assessment discounts the site on the basis that there was no interest from the landowner. However, this explanation is

undermined by a subsequent claim that the site is needed in addition to the appeal site as part of a wider comprehensive plan across the area to develop and improve network coverage. I cannot determine from the information before me if the difficulties with the landowner have been resolved and there is no adequate explanation regarding the new need that has apparently been identified for the site. This lack of clarity limits the weight I attach to the appellant's assessment of alternative sites.

### **Conclusion**

17. I conclude that the visual harm and the harm to the setting of the listed building is not outweighed by the need for, and public benefit of, siting the installation in the location proposed. In coming to this conclusion I have had special regard to the desirability of preserving the setting of West Lodge and West Farm.
18. Concerns have been expressed about the potential effects on health particularly given the proximity of a primary school and nursery. However 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.
19. I have taken into account other matters raised including the potential for vandalism and risks of collision with the mast. I have also taken account of comments in support of the proposal. However I find nothing to alter my conclusion that, for the reasons set out above, the appeal should fail.

*Kevin Gleeson*

INSPECTOR