



Appeal Decision

Site visit made on 12 March 2018

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 19 March 2018

Appeal Ref: APP/L5810/W/17/3184353

Footpath of South Worple Way, Mortlake, London SW14 8ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Vodafone Limited against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 17/0472/TEL, dated 31 January 2017, was refused by notice dated 28 March 2017.
 - The development proposed is the installation of a 12.5 metre high dual user monopole radio base station housing 4 No antennas within a GRP shroud, clad with timber effect GRP, painted brown; and 2 No radio equipment cabinets and 1 No electrical meter cabinet installed next to the pole, painted green.
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Decision

1. The appeal is allowed and prior approval is granted for the installation of a 12.5 metre high dual user monopole radio base station housing 4 No antennas within a GRP shroud, clad with timber effect GRP, painted brown; and 2 No radio equipment cabinets and 1 No electrical meter cabinet installed next to the pole, painted green on the footpath of South Worple Way, Mortlake, London SW14 8ST, in accordance with the application Ref 17/0472/TEL, dated 31 January 2017, and Drawing Nos 100, 200 and 302.

Preliminary and Procedural Matters

2. I agree with the Council that, under Class A, Part 16 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), prior approval is required.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area and whether any harm caused is outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

4. The appeal site consists of part of the footway to the highway that widens adjacent to the boundary wall of Mortlake Cemetery, which is within Queens Road Mortlake Conservation Area (CA). The site is outside the CA, but near to some prominent trees, and in particular a line of relatively high mature trees

that includes a Horse Chestnut tree within the Cemetery and adjacent to its boundary wall. Whilst the appellant has indicated that blue charity bins are at the location, I observed at my site visit that these have been removed leaving a clear area of footway in front of the vacant former hospital buildings and at the side of the Cemetery boundary wall.

5. On the opposite side of South Worple Way, which is relatively narrow, is a boundary wall that is about 2m high adjacent to the railway. The railway separates the site from housing along North Worple Way. Although the Cemetery provides an area of green open space with mature trees, the highway, buildings and railway give much of the surrounding area a developed suburban character and appearance that includes gantries, footbridges and signals along the railway and telegraph poles and lighting columns along the highway.
6. The proposed monopole would be painted brown and is intended to replicate a telegraph pole. The equipment cabinets would be green but at a low level adjacent to the wall. They would be viewed against the backdrop of the trees on the CA boundary. I am satisfied that these trees, and in particular the roots of the nearby Horse Chestnut tree, would be adequately protected by the use of the methodology set out in the Arboricultural Impact Assessment, dated September 2017. The proposal would therefore accord with Development Management Plan Policy DM DC4 which seeks to protect trees and landscape.
7. Whilst the height of the monopole would be greater than that of the nearby trees and other street furniture, including the telegraph poles, this would not be particularly apparent in the area, due to the presence of the nearby railway and its equipment, the trees and the distance that it would be located from buildings and the other structures. As it would be visible from the nearby CA, it would affect the setting of this heritage asset. As such it would fail to preserve the character and appearance of that CA, but the harm to the significance of this heritage asset would be less than substantial.
8. In accordance with paragraph 134 of the National Planning Policy Framework (Framework), the less than substantial harm that the proposal would cause to the significance of the CA should be weighed against the benefits. The Council has not suggested any alternative sites or that the appeal site would not be the optimal location for the proposed development. No one else has suggested reasonable alternative sites. Taking account of this, I have given significant weight to the social and economic benefits that the proposal would bring in terms of improving the coverage of the 3G and 4G networks and the Government's support for this form of development.
9. Based on the above, I find that the proposal would not have a significant adverse effect on the character and appearance of the area but it would fail to preserve the character and appearance of Queens Road Mortlake CA. This harm would be outweighed by the need to site the installation in the location proposed, given that I have not been provided with any acceptable alternative sites that would potentially be availability.

Other Matters

10. An objector has referred to a proposal for a 4 storey apartment block near to the site, which he has claimed would require the mast to be higher. However, I have insufficient evidence to show what effect this would have on the

proposal and I have determined it on the basis of the details that have been provided.

11. With regard to concerns about health, national policy provided by paragraph 46 of the Framework suggests that if a proposed mast or base station meets International Commission guidelines for public exposure it should not be necessary to determine further health safeguards. The appellant has submitted evidence that demonstrates that the proposed equipment would comply with the International Commission on Non-ionising Radiation Protection (ICNRP) guidelines. Furthermore, based on Government guidance regarding the precautionary approach and World Health Organisation and Health Protection Agency advice, there is no scientific evidence that shows that weak radio frequency signals from base stations cause adverse health effects.

Conclusions

12. For the reasons given above, I have found that the proposal would not have a significant adverse effect on the character and appearance of the surrounding area and its benefits would outweigh the less than substantial harm that it would cause to the significance of Queens Road Mortlake CA and any subsequent conflict with development plan policies in this respect. Therefore, having regard to all matters raised, I conclude that the appeal should succeed.

M J Whitehead

INSPECTOR