



## Appeal Decision

Site visit made on 8 February 2022

**by R E Jones BSc (Hons) DipTP MRTPI**

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

**Decision date: 3 March 2022**

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**Appeal Ref: APP/L5810/W/21/3277796**

**Hampton Road, The Beveree, London TW11 0EN**

- 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 Hutchinson UK Ltd against the decision of Richmond Upon Thames London Borough Council.
  - The application Ref 21/1364/TEL, dated 11 April 2021, was refused by notice dated 8 June 2021.
  - The development proposed is 15m phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), 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, taking into account any representations received. Policies of the development plan and the National Planning Policy Framework (the Framework) may be considered relevant, but only in so far as they relate to these matters. My determination of the appeal shall proceed on the same basis.

### Main Issue

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

### Reasons

4. Hampton Road is primarily residential in character. Properties are set back from the road with the intervening spaces characterised by tall, mature trees that run parallel with the highway. The rich variety and number of trees along the road contributes to the greening and softening of the surrounding built environment.
5. The appeal site is situated at the back of a footway on Hampton Road close to a group of trees and shrubs that are encompassed within the grounds of a large office building. There are also street trees close by on the footway, including two tree pits that are currently vacant. I have no specific details on the health or species of those nearby trees; however, they are consistent with

- the others I saw along the road and form an attractive verdant edge that contributes to the street's character.
6. At around 15m high the proposed monopole would rise significantly above the adjacent trees within the grounds of the office building as well as the shorter and slimmer streetlights that line Hampton Road. Its thicker and bulkier proportions would also add to its prominence, while the antenna stacked on the monopole's headframe would have an industrial appearance. When viewed from short and medium range views along Hampton Road, the proposal would be a highly visible and out of scale feature that would appear visually incongruous in the context of the street's verdant character.
  7. From longer range views along Hampton Road, the proposed mast would be broken up, to a degree by the line of adjacent trees, at least during the summer months. However, it would continue to appear as a dominating feature with its bulky and discordant headframe rising well above the nearby boundary trees.
  8. Therefore, the proposed installation would be a highly visible addition to the locality that would have a harmful presence on its surroundings.
  9. There is an existing telecommunication mast facing Hampton Road a short distance to the east of the appeal site. That structure is coloured green to blend in with nearby trees and is slimmer compared to the proposal. Furthermore, its antenna has been encased within the mast's outer metal housing giving it a smooth overall appearance that enables it to assimilate well with the adjacent boundary trees and streetlights. In contrast, the appeal proposal's more prominent headframe with its exposed antenna has a harsh appearance above the adjacent tree canopy that would be visually incongruous in that setting.
  10. The submitted plans show that the proposed monopole would be very close to the canopies and outer limbs of the adjacent trees. Even though the mast may clear those features, I have not been presented with an arboriculture report that provides any specific details of the extent of root protection areas (RPAs) relating to those trees, and it may be the case that one or more of the trees has an extensive root system. Furthermore, the various ancillary cabinets would be closer to the trees, where there would be a greater chance of damaging shallow roots. In the absence of a tree survey or similar, I cannot be confident that the equipment could be installed without causing significant harm to the trees' root systems. I consider that the risk of the installation damaging the adjacent trees has not been sufficiently explored, nor has any potential mitigation of risk been proposed.
  11. The appellant has suggested that a condition requiring works to be carried out in accordance with British Standard BS 5837:2012<sup>1</sup> could be imposed. However, this is not an option for me as there is no provision to impose conditions under the relevant parts of the GPDO. In any event, even if it were possible to impose such a condition the siting of the installation would by then have been approved, and the potential to address any significant harm which a survey might identify would be limited.
  12. Given the limited separation between the nearby trees and the development, uncertainty over the effect of the groundworks on the root system along with

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<sup>1</sup> British Standard BS 5837:2012 - Trees in relation to design, demolition and construction

initial and longer-term pruning, there would be potential for adjacent trees to be damaged and ultimately lost.

13. The potential loss or distorting of the nearby trees would erode the aesthetically pleasing influence they have on the streetscene. This would result in more of the monopole and cabinets being exposed and prominent in both long and short distance views along this relatively straight part of Hampton Road. This could create more open views of the monopole and would accentuate its discordance in the street.
14. While conditioning the colour of the proposal has been suggested, as indicated above, the GPDO does not provide specific authority for me to do this beyond the deemed conditions for development by electronic communications code operators. In any event, this would not overcome the concerns with the scheme.
15. The Council raised concerns regarding the proposal's impact upon the setting of designated Buildings of Townscape Merit (BTM), namely Nos 34, 36 and 38 Hampton Road. These large residential properties are located on the opposite side of the road and would be separated from the appeal site by their deep front gardens and the existing highway. Given the appeal scheme's position in relation to those properties, it would not be seen to encroach into the attractively landscaped grounds that characterise their setting.
16. There are also concerns regarding the proposal's effect on the character of the adjacent office grounds to the site's south and south-east, which are designated as Other Open Land of Townscape Importance (OOLTI). The appeal site is located outside but close to the OOLTI's north-western edge. A thick grouping of tall trees in front of the adjacent office building would provide a visual barrier between the proposed monopole and the open areas of the OOLTI. This would ensure that it is well screened and does not appear perceptible in views from the more exposed parts of the designation. On this basis, the proposal would not harm the OOLTI.
17. Even though we have found the proposal's effect on the adjacent BTMs and OOLTI acceptable, due to its siting and appearance, the proposed development would have a significant harmful effect upon the character and appearance of the area. Therefore, insofar as they are a material consideration, the scheme would fail to accord with the aims of Policies LP1, LP16 and LP33 of the Local Plan (2020) and the Hampton Wick and Teddington Village Planning Guidance Supplementary Planning Document (July 2017). Together these require, amongst other things, that proposals are compatible with local character including the relationship to existing landscaping and scale, while ensuring development protects existing trees by resisting their loss.

### **Other Matters**

18. The Framework sets out that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being, as well as that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). This attracts moderate weight.
19. Alternative locations in the area have been ruled out for reasons relating to ownership, signal, residential amenity and highways considerations. However, I

have limited information on the nature or extent of the issues identified or how these conclusions were reached. I also do not have detailed plans of these other sites. Therefore, it has not been demonstrated that these would be more harmful than the appeal scheme and this attracts limited weight.

20. The appellant has provided information to support the height of the proposed monopole in order to avoid interference from buildings and landscaping, and also in order to clear International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines. I therefore have no reason to dispute the specification and the height of the proposed monopole. These considerations also weigh in the proposal's favour.
21. The Council indicates that the application was not accompanied with the required ICNIRP certificate. However, this has been included in the appellant's evidence and I am satisfied that the relevant requirement in the Framework has been complied with.
22. Consequently, based on the information available to me it has not been demonstrated that the harm to the character and appearance of the area from the scheme is outweighed by the need to site the installation in this location and other benefits even when taken cumulatively.

### **Conclusion**

23. For the reasons given above I conclude that the appeal should be dismissed.

*R E Jones*

INSPECTOR