



Appeal Decision

Site visit made on 24 February 2023

by S Edwards MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2023

Appeal Ref: APP/L5810/W/21/3288327

Old Mortlake Bus Depot GF, North Worple Way, Mortlake, Richmond Upon Thames SW14 8PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Mr Keith Hecken (EE (UK) Ltd) against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 21/3178/TEL, dated 27 August 2021, was refused by notice dated 2 November 2021.
 - The development proposed is a 10m telegraph style pole with 3 antennas, 2 equipment cabinets and ancillary works as required.
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Decision

1. The appeal is dismissed.

Preliminary Matter

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 proposal on the character and appearance of the surrounding area, including the setting of the Queens Road Conservation Area.

Reasons

4. The appeal site forms part of a larger area currently in use as a bus station comprising a single storey building and hardstanding, which is located at the junction between Avondale Road and North Worple Way. The site lies within an area which is otherwise largely residential in nature and predominantly characterised by two-storey detached and semi-detached properties, though there is a three-storey purpose-built block of apartments to the rear of the bus station.

5. The appeal site also falls within the setting of the Queens Road Conservation Area, the boundary of which is situated on the opposite side of the railway line. Having regard to the presented evidence and my own observations, I find that the Queens Road Conservation Area holds considerable special interest, owing to its historic street pattern lined with terraces of small Victorian cottages, and the pleasant, verdant setting provided by the Old Mortlake Cemetery. These give the Conservation Area a pleasant suburban character.
6. Although the site lies outside the Conservation Area, the domestic scale and relatively open feel of its immediate surroundings make an important contribution to the setting of this designated heritage asset, which is particularly evident in public views. The spur railway footbridge, constructed in 1902, is referenced in the Queens Road Conservation Area Study as an exceptional semi-circular iron structure, which is described as an undoubted feature of interest in the local scene providing a vital pedestrian connection between the Queen's Road area and Mortlake. By virtue of its design and historic significance, this landmark adds to the special interest of the Conservation Area, despite not being located within it.
7. The Council has previously refused prior approval for the erection of a taller monopole, and this scheme was subsequently dismissed on appeal¹. The appellant has sought to address the concerns previously raised by the Inspector, notably by reducing the height of the monopole to reduce its visual impact on the street scene and the adjacent Conservation Area.
8. I note that there are examples of streetlights and telegraph poles in the locality, but their appearance and height generally reflect the domestic scale of the area. Notwithstanding the proposed height reduction and the slimline appearance of the mast, which has been designed to look like a telegraph pole, the proposal would still unduly stand out as an incongruous feature within the street scene.
9. The development would be sited at some distance away from the nearby block of flats, and the absence of mature vegetation to offer a suitable backdrop would increase the impact of this tall feature, which would be highly visible in public views, including from the bridge and from within the Queens Road Conservation Area. The appeal scheme would as a result have a detrimental visual impact on the surrounding area and, despite the separation provided by the railway line, harmfully intrude into the setting of the Queens Road Conservation Area, to the detriment of its special interest.
10. My attention has been drawn to an Appeal Decision² relating to a 20-metre monopole close to a conservation area in Brighton. I do not however have the full details of this particular scheme and cannot therefore be certain that the circumstances represent a direct parallel to the proposal before me. Accordingly, very limited weight can be afforded to this example.
11. By reason of its siting and appearance, the appeal scheme would cause unacceptable harm to the surrounding area and the special interest of the Queens Road Conservation Area. Consequently, the proposal would fail to meet the aims of paragraph 115 of the Framework and the requirements of Policies LP1 and LP3 of the Local Plan (2018), as well as the supporting guidance.

¹ APP/L5810/W/20/3264935.

² APP/Q1445/W/20/3249294.

Policies LP1 and LP3 notably require all development to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and seek to ensure that proposals conserve and enhance the significance of the Borough's designated heritage assets.

Other considerations

12. Mortlake Conservation Area and Cowley Road Conservation Area are also sited in proximity to the appeal site. The special interest of Mortlake Conservation Area is primarily derived from the settlement's relationship with the River Thames, which has had a strong influence on the way Mortlake developed over the centuries. Away from the riverside, the special interest of Mortlake and Cowley Road Conservation Areas is also drawn from the traditional character and domestic scale of their residential streets.
13. No concerns were raised as part of the previous appeal regarding the effect of the development on the setting of these nearby Conservation Areas, which are located further away, and there are no reasons for me to reach an alternative view, particularly as the height of the proposed mast has been reduced. The appeal scheme would therefore preserve the special interest of Mortlake and Cowley Road Conservation Areas.
14. The appeal scheme would however cause less than substantial harm to the special interest of the Queens Road Conservation Area, as derived from its setting. This is a consideration to which I ascribe considerable importance and weight. In such circumstances, the Framework requires the harm to be weighed against the public benefits of the proposal.
15. The proposed development would be sited within proximity to the railway line connecting Barnes to North Sheen. The appeal scheme would bring improvements to mobile communications on rail routes, which the National Infrastructure Commission³ has identified as a clear priority, and would in turn enhance the network's capacity. Furthermore, it would benefit the Emergency Services and the local community, including businesses, residents and visitors to the area. These can all be regarded as important public benefits.
16. The appellant's submissions are supported by a Supplementary Information Form, setting out a sequential approach which identifies a number of alternative sites. However, notwithstanding the concerns raised by the previous Inspector in that respect, the reasons provided for discounting these sites still lack in detail. In particular, it remains unclear why the existing mast situated near Mortlake Old Burial Ground could not be shared with another operator.
17. The appellant explains that the sharing of masts can lead to the need for a wider and taller mast, as well as more cabinets than for a single operator. However, and whilst it is argued that there is no sufficient space available to accommodate the monopole and associated equipment, this is not supported by detailed evidence. It is also argued that in this location, the mast would need to be significantly taller, due to the height of the nearby trees. However, I have been presented with no substantive information to demonstrate that the existing mast does not currently fulfil its intended purpose, despite its proximity to the trees.

³ National Infrastructure Commission report: "Connected Future".

18. The Framework supports advanced, high quality and reliable communications infrastructure, but also makes it clear that applications for such proposals should be supported by the necessary evidence. For a new installation, the Framework requires evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored.
19. Having regard to the available information and for the reasons detailed above, I am not persuaded that there are no sequentially preferable alternatives to the appeal site, for example using existing infrastructure near the Mortlake Old Burial Ground, where the proposal could be less harmful, yet secure the same or similar public benefits.
20. Additionally, the Framework stresses the importance of sustaining and enhancing the significance of heritage assets. Heritage assets are irreplaceable resources which should be conserved in a manner appropriate to their significance, so that they can be enjoyed by existing and future generations. Overall, the considerable importance and weight which I afford to the identified harm would not be outweighed by the public benefits derived from the proposal.

Conclusion

21. For the reasons detailed above, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR