
Appeal Decision

Site visit made on 9 November 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 6th December 2016

Appeal Ref: APP/R5510/W/16/3155989

Existing telecoms mast, Highways Pavement of Eastcote Road, Eastcote Village, Hillingdon, London, HA4 2QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Telefonica against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 59310/APP/2015/4125, dated 6 November 2015, was refused by notice dated 5 February 2016.
 - The development proposed is "replacement of the existing 17.5 metre pole with a 20 metre pole and the installation of 1 additional cabinet".
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of the existing 17.5 metre pole with a 20 metre pole at Existing telecoms mast, Highways Pavement of Eastcote Road, Eastcote Village, Hillingdon, London, HA4 2QW in accordance with the terms of the application, Ref 59310/APP/2015/4125, dated 6 November 2015, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 Issue A; 200 Issue B; 201 Issue C; 300 Issue B; 301 Issue D.
 - 3) Prior to its first use, the column shall be painted in Fir Green (RAL6009) and shall thereafter be maintained in this finish.
 - 4) Any apparatus or structure provided in accordance with this approval shall be removed from the land, as soon as is reasonably practicable, after it is no longer required for electronic communications purposes, and such land shall be restored to its previous condition.

Procedural Matter

2. The appellant submitted revised plans of the development with the appeal statement. These plans would remove the additional cabinet that was originally proposed, and amend the description of development accordingly. They would also better reflect the existing cabinets present at the base of the mast. I do not consider that any party would be prejudiced by my acceptance of these revised plans. I have therefore based my decision on these plans, and
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have amended the description of development (above) to remove reference to the additional cabinet.

Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of the Eastcote Village Conservation Area.

Reasons

4. The Eastcote Village Conservation Area is broadly linear in shape and incorporates development along the River Pinn and the surrounding woodlands. It includes a number of country houses with extensive grounds, such as the sites of Eastcote House, which dates from the C16, Haydon Hall and High Grove. The character of the area is that of a high quality suburb dominated by open spaces, extensive natural landscaping, and trees.
5. The appeal site is positioned on a busy junction between Field End Road and High Road Eastcote. It is located opposite to Eastcote House Gardens, which comprises the grounds of the former country house. The appeal site is also adjacent to an area of woodland close to the River Pinn. The site contains an existing telecoms mast of 17.5 m in height and a number of associated cabinets. The existing mast is a tall, modern feature that is utilitarian in appearance.
6. The existing mast is relatively prominent in views along Field End Road to the south east. However, it is otherwise heavily screened from view in most directions by the surrounding trees, as I observed on my site visit. This was the case at a time of year when many of the trees have shed their leaves. Whilst the appeal proposal would be an additional 2.5 metres in height, it would be similarly screened from view in these directions. This screening would serve to limit the visibility of the proposal from much of the wider conservation area.
7. The proposed mast would have a broadly similar design to the existing mast, albeit it would be taller and would have a larger and bulkier antenna shroud at the top. The existing mast already detracts from the character and appearance of the area, and its replacement with a mast that would be both taller and bulkier would have an additional detrimental effect on this part of the conservation area. Accordingly, the proposal would fail to preserve or enhance the character and appearance of the conservation area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of any buildings or other land in a conservation area. I must therefore attach considerable importance and weight to the harm identified above.
8. Given the presence of an existing mast, and extensive tree screening, the harm to the conservation area would be 'less than substantial'. Paragraph 134 of 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 designated heritage asset, this harm should be weighed against the public benefits of the proposal.
9. Having regard to the Framework's policies for telecommunications infrastructure, the improvement of network coverage for mobile devices is

capable of being a public benefit. High quality communications infrastructure is identified in the Framework as being essential for sustainable economic growth, as well as playing a vital role in enhancing the provision of local community facilities and services. The appellant has provided evidence that the development would significantly improve the coverage of both 3G and 4G services in the area and would address existing deficiencies. This would allow customers of the 2 operating companies to access faster speeds when browsing the internet, streaming videos, or sending emails on mobile devices. The need for the development has not been disputed by the Council.

10. The appellant also states that there is a technical requirement for the new mast to be above the height of the surrounding trees. This has also not been disputed by the Council. As I observed on my site visit, the nearest trees are currently of a similar height to the existing mast. This situation has clearly changed since 2006 when the existing mast was consented at appeal (ref APP/R5510/A/05/1196440). In that decision, the Inspector noted that the current mast 'would be taller than the tree cover', which is a situation that no longer applies.
11. Paragraph 43 of the Framework states that existing masts, buildings and other structures should be used in preference to new sites. Given that there is already a mast present on the site, there is no need for proposal to be justified against alternative sites.
12. The improvement in coverage of both 3G and 4G services that the development would deliver is clearly in the public interest. On balance, I conclude that this public benefit would outweigh the 'less than substantial' harm to the conservation area in this case. The development would therefore be in accordance with the objectives of the Framework.

Other Matters

13. The appeal site is located opposite to No 2 Field End Road, which is Grade II listed. The proximity of the development to the listed building is noted in the Council's officer report although it is not included in the reasons for refusal. The listed building is a 2 storey timber framed property which faces away from the appeal site, and is located on the other side of a busy main road. The effect of the proposed mast on the setting of the listed building, over and above that of the existing mast, would be very limited. In view of the presence of an existing mast, and the intervening road, I consider that the effect of the development on the setting of the listed building would be neutral.
14. The appearance of the additional cabinet that was originally proposed was raised as a matter of concern by both the Council and the Eastcote Conservation Panel. A local resident also raised concerns about the impact of this cabinet on highway safety given the narrowness of the pavement in this location, and its use by children on their way to school. However, these concerns have been addressed by the removal of the cabinet from the proposed scheme.
15. Concerns have also been raised by the Eastcote Conservation Panel regarding the proximity of the site to a local airfield. However, no objection has been received from the airfield operators, and there is no substantive evidence before me that it would cause a hazard in this regard.

Conditions

16. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development. I have also imposed a condition that requires the approved column to be painted fir green, which is necessary to minimise the impact of the development on the character and appearance of the area. Finally, I have imposed a condition that requires the approved column to be removed should it be no longer required in the future. This is necessary to ensure that the appearance of the conservation area is restored once the column has ceased to be used.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR