
Appeal Decision

Site visit made on 18 February 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State.

Decision date: Tuesday, 31 March 2020

Appeal Ref: APP/M5450/W/19/3242580

Highway verge, Uxbridge Road, Harrow Weald, Harrow, HA3 6SS.

- 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 MBNL (EE UK Ltd and HG3 UK Ltd) against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3174/19, dated 16 July 2019, was refused by notice dated 10 September 2019.
 - The development proposed is the installation of a 20m monopole, 12 no antenna apertures, equipment cabinets, the removal of the existing 11.7m monopole, 3no antennas, redundant equipment cabinets and development ancillary thereto.
-

Decision

1. The appeal is allowed, and planning permission granted for the installation of a 20m monopole, 12 no antenna apertures, equipment cabinets, the removal of the existing 11.7m monopole, 3 no antennas, redundant equipment cabinets and development ancillary thereto at the highway verge, Uxbridge Road, Harrow Weald, Harrow, HA3 6SS, in accordance with planning application P/3174/19, dated 16 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be completed in accordance with details supplied with the application: declaration of conformity with ICNIRP dated 2019/07/12; supplementary information dated 16 July 2019; covering letter dated 12 June 2019; Plan No 002 Site Location Plan, issue C; Plan No 100 Existing Site Plan, issue C; Plan No 150 Existing Elevation, issue C; Plan No 215 Max Configuration Site Plan, issue C; Plan No 265 Max Configuration Elevation, issue C.
 - 3) The electronic communications apparatus provided in accordance with this permission shall be removed from the land upon which it is situated as soon as reasonably practical after it is no longer required for electronic communications purposes.
 - 4) The land upon which the electronic communications apparatus is sited shall be restored to its condition before the development took place once the apparatus has been removed from the site.

Main Issues

2. The effect of the proposed mast on the character and appearance of the area.

Reasons

3. Policy DM49 of the Harrow Development Management Policies Local Plan (HDMPLP) (2013) seeks, amongst other things, to ensure that the installation of new telecommunications equipment minimises its impact on the character and appearance of the area within which it is located.
4. The National Planning Policy Framework (the Framework) recognises the importance of the establishment of high quality and reliable communications infrastructure, such as 5G, as being essential to economic growth and social wellbeing. Where new equipment is required the Framework requires that it is sympathetically designed and camouflaged where appropriate.
5. The appellant has argued that the new mast is required in order to facilitate the roll out of the 5G network and they have investigated alternative sites for the propose mast. The proposal is also a mast share between two operators.
6. The site lies at the side of a busy dual carriageway road with a wide central reservation which has mature tree cover. Some of the mature trees are tall and so would help to mitigate the impact of the mast. The dual carriageway also has tall, prominent lamp posts along its route, together with the existing 11.7m high mast. Whilst the new mast would be clearly visible from several vantage points, it is still a slim structure, it would be read against the backdrop of existing, tall mature trees, prominent lamp posts and a busy road with fast moving traffic. Whilst a degree of visual impact is inevitable due to the increase in scale of the proposed mast, it is nevertheless the minimum height and girth capable of providing the improved services and introducing 5G technologies to the area, whilst also satisfying ICNIRP standards. It is also set away from the residential development to the side of the main road, on a wide grass verge which is backed by trees and vegetation.
7. I find that the impact of the proposed mast on the character and appearance of the area, despite its height, will be low. I base this opinion on the siting of the proposed mast to the side of a busy dual carriageway road away from houses, the presence of tall lamp posts along the road, tall mature trees and the presence of an existing mast in the vicinity of the proposed mast site. I am therefore of the view that the proposal accords with the Policies of the development plan, the HDMPLP, as its siting minimises its effect on the character and appearance of the area within which it is located. I also give weight to the fact that this is a proposed mast share between two operators. I have also taken account of the appellant's attempts to find a suitable alternative site and the advice given in the Framework concerning the siting of telecommunications masts and find that these also add weight to my decision.

Conditions

8. In addition to the standard time limit and a condition referencing the approved plans – for the avoidance of doubt – there needs to be conditions that ensure the communications apparatus is removed once it is no longer needed. In addition, a condition is needed to ensure that the highway verge is restored once the apparatus is removed. These conditions are necessary in order to protect the character and appearance of the area in the future.

Conclusion

9. I find that having regard to all matters before me, including the policies of the development plan, when taken as a whole, that the appeal should be allowed, and planning permission granted.

Peter Mark Sturgess

INSPECTOR