



Appeal Decision

Site visit made on 28 July 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/A5270/W/20/3245050

Whitton Avenue East, Sudbury Hill Station, Greenford, Ealing UB6 0QG

- 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 against the decision of the Council of the London Borough of Ealing.
 - The application Ref 192678FUL, dated 14 June 2019, was refused by notice dated 9 August 2019.
 - The development proposed is for the removal and replacement of the existing 11.7m monopole, with a 20m monopole, 12 no. apertures, associated works, equipment cabinets and concrete bollards.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An arboriculture assessment was submitted with this appeal. This did not form part of the Council's assessment of the application, nor were interested parties consulted on this document during the application process. The appeals procedural guide makes it clear that 'the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought'.
3. Nevertheless, having regard to the Wheatcroft Principles¹, it is my view, that the additional information does not fundamentally alter the scheme in terms of its design and layout, while the details submitted provide more clarity on trees adjacent to the appeal site. Whilst I appreciate that the information is technical in nature, the Council have had sight of it and had the opportunity to comment on it. Furthermore, I do not consider that the interests of neighbouring occupiers would be prejudiced in my accepting of the information. I have therefore assessed the appeal on the basis of the additional information.
4. The Council, in their refusal notice, have used a different description of development to that in the application form. The Council's description also refers incorrectly to there being 7 equipment cabinets when the submitted drawings show 9. I have therefore referred to the description of development from the application form in the banner heading above as this more accurately describes the proposal.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]. This decision has since been confirmed in Wessex Regional Health Authority v SSE [1984] and Wadehurst Properties v SSE & Wychavon DC [1990] and Breckland DC v SSE and T. Hill [1992].

Main Issues

5. I consider the main issues in this appeal to be:
- the effect of the proposed development upon the character and appearance of the area; and
 - the effect on the living conditions of surrounding residents, with reference to outlook.

Reasons

Character and appearance

6. The appeal site is located adjacent to the junction between Whitton Avenue East and Whitton Drive. It consists of a portion of grass verge that forms part of an expansive landscape corridor containing tall mature trees running the length of Whitton Avenue East, albeit interrupted by road junctions. An area of landscaping containing similar features runs along the opposite side of the road and together these verdant corridors separate the highway from the traditional two storey residential dwellings that typify the area. Moreover, they form an important network of green corridors in the borough which the Council seeks to protect and enhance through Policy 5.3 of the Ealing Development Strategy 2026 Development Plan Document (2012) (the DS).
7. Approximately 7m from the appeal site, on the same area of grass verge is an existing telecommunications mast measuring approximately 11.7m high. There is a small cluster of cabinets at the base of the mast. This installation is a slim structure albeit with a more bulbous antennae mounted on the headframe. It is situated between two trees of roughly similar height that effectively shroud its appearance, making it relatively unobtrusive in the street.
8. The proposed 20m high monopole and associated ground level cabinets are proposed to facilitate the provision of 2G, 3G, 4G and 5G telecommunications services and would replace the existing mast. It would be sited closer to the junction with Whitton Drive, which forms a considerable gap in the continuous sequence of mature trees, resulting in a more open area adjacent to the appeal site that is visible from the adjacent junction and from the intersection between Whitton Avenue East and Allendale Road further to the east. Moreover, this gap would be accentuated by the proposed removal of an existing tree close to the junction to enable the installation of the proposed apparatus.
9. The proposed monopole would rise significantly above the existing street trees and would be roughly twice as high as the surrounding two storey dwellings. Existing vertical structures nearby, such as street lights and electricity poles would be dwarfed by the height of the monopole and appear disproportionate relative to its dominant scale. The prominence of the monopole would be accentuated by its thickness while the top half of the installation would be conspicuous by the exposed antennae giving it a top-heavy appearance above the adjacent tree canopies. Due to its height and position in a more exposed area, closer to the junction, it would not be afforded the same level of screening as the existing mast which sits comfortably between two existing trees. Therefore, the proposed monopole would be a highly visible addition to the area that would have a jarring and incongruous presence on the verdant setting of the landscaped corridor and the surrounding built environment.

10. At the base of the monopole 9 new equipment cabinets of varying heights and width would be installed. Given their scale, number and arrangement along the verge area, they would convey a cluttered appearance that would be visually harmful in the street and detract from the softer landscape features within the green corridor. Although there are existing structures close by such as a bus shelter and street lights these are unobtrusive and well screened by the existing trees. In contrast, the proposed cabinets would significantly contribute to an altogether more crowded highway verge that would be visually conspicuous at this junction location. Despite the appellant's willingness to remove the proposed bollards this would not reduce the harm of the cabinets which collectively result in an excessive amount of street furniture at this location.
11. The appellant has referred to replacing the tree that is proposed for removal. However, this would have only a limited effect on screening the proposal given its excessive height and proximity to the more open area close to the junction. Moreover, the provision of one tree would be unlikely to screen the equipment cabinets given their scale and arrangement along the verge. Nevertheless, I have no specific details of where the tree could be located. Furthermore, it is not known if replanting could be secured by a planning condition given that it would likely take place outside of the appeal site on land which the appellant does not appear to control.
12. Although the appellant has suggested that a monopole of the same height and the equipment cabinets could be installed under the terms of the GPDO², the appellant also acknowledges that the width of the proposed monopole exceeds the limitations contained within the GPDO. Therefore, as this does not provide a fallback position that would enable the development proposed, this does not alter my assessment of the effect of the development.
13. For the reasons set out above, the proposed development would therefore have a detrimental impact on the character and appearance of the surrounding area. It would fail to comply with Policy 5.3 of the DS and Policies 2.18, 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) (the DPD). These policies amongst other things, require proposals to enhance and protect the borough's network of green corridors and to complement the local character of the area. The proposal would also conflict with Policies 7.4 and 7.6 of the London Plan where they require developments to respond to local character and contribute to a positive relationship between the urban structure and natural landscape features of an area.

Living conditions

14. The Council's submission refers to the proposed development being visible from residential properties and that it would be an overbearing form of development that would be detrimental to the visual amenity of the street scene. The appellant affirms that the mast would only be viewed in the distance by residential properties and that the proposal would not adversely affect amenity.
15. The appellant refers to the closest residential dwellings from the site being 25m away. During my site visit I noted that dwellings on the opposite side of Whitton Avenue East had windows directly facing the proposal, while it would also be visible from the rear amenity space of No 6 Whitton Drive. Despite the

² Part 16, Town and Country Planning (General Permitted Development) (England) Order 2016

distance these properties would maintain, I consider that the height, scale and appearance of the proposed monopole and equipment cabinets, would appear unacceptably imposing from nearby residential properties and cause harm to their outlook.

16. The appellant considers that the proposal would be assimilated into the existing environment without harming nearby amenities. However, its infinitely greater scale in comparison to the existing mast, the significant increase in street clutter and the lack of effective screening thereof, would have a harmful effect.
17. In concluding on this main issue, the proposed development would cause harm to the living conditions of surrounding residents in relation to outlook. It would therefore be contrary to Policy 7B of the DPD, which states amongst other things, that proposals achieve a high standard of amenity for adjacent users by ensuring they have a positive visual impact.

Other Matters

18. I am mindful that the Framework (paragraph 112) advises that advanced, high quality and reliable communication infrastructure is essential for economic growth and well-being, and the expansion of 5G electronic communication networks should be supported. These requirements are reinforced by a recent Ministry of Housing, Communities & Local Government statement³. The Framework (paragraph 80) also supports economic growth and productivity, taking into account both local business needs and wider opportunities for development, and in this regard I place significant weight on the proposal's ability to facilitate improvements to home working, faster internet speeds, cars for the future and the 'internet of things'.
19. The appellant has provided information to support the height of the proposed monopole in order to avoid interference from topography and landscape, 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 and the requirement for supporting equipment cabinets.
20. The Framework states that the use of existing masts is encouraged (paragraph 113). Being in a different location further to the east than the existing mast, the proposal is in essence a new mast, albeit at an existing electronic communications network site. Also weighing in favour of the proposal is that it would be a shared base station between two operators.
21. For new masts, the Framework advises that the applicant evidences other possibilities such as erecting antennas on an existing building, mast or other structure.
22. In this instance I have not been provided with details of the extent of the appellant's search area and the buildings, structures or existing masts that were discounted, or where the shortfall in mobile coverage to the extent referred to extends. Moreover, it is unclear whether the search area aligns with the locational and functional requirements of the operators. Although the appellant states that there are no buildings of requisite height in the vicinity, this does not preclude a monopole being placed on a lower roof to at least minimise the height of the monopole. Therefore, I consider that limited

³ Collaborating for digital connectivity, Ministry of Housing, Communities & Local Government, 7 March 2019

justification for discounting of other sites has been provided with little evidence submitted to support assertions that other options are unavailable or unsuitable.

23. I acknowledge that the main parties agree that the proposal would result in no harm to highway and pedestrian safety, however, a lack of harm would be a neutral factor in my assessment of the proposal and one to which I attach limited weight.

Planning Balance and Conclusion

24. I have found that the proposal's benefits including the economic and social benefits of upgrading electronic communication infrastructure to be significant, in addition to the support given by the Framework for such developments. Nevertheless, I do not consider that these benefits would outweigh the clear harm in terms of the proposal's visual impact upon the character and appearance of the surrounding area and the outlook of nearby residents. I have also found that these unacceptable impacts conflict with the development plan.
25. For the reasons given above I therefore conclude that the appeal be dismissed.

R. E. Jones

INSPECTOR