The Planning Inspectorate

Appeal Decision

Site visit made on 18 August 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2020

Appeal Ref: APP/R5510/W/20/3245213
Field End Road, South Harrow, London, HA4 0RG

- 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 Ltd against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 6095/APP/2019/1653, dated 15 May 2019, was refused by notice dated 22 July 2019.
- The development proposed is described as "Proposed telecommunications removal and replacement."

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council issued its decision, the Hillingdon Local Plan: Part Two – Unitary Development Plan Saved Policies (November 2012) have been replaced by newly adopted policies in the London Borough of Hillingdon Local Plan: Part 2 – Development Management Policies (2020). The Council set out in its statement of case that the aims and objectives of these policies reflect those contained within policies BE13, BE37 and BE21, which are now withdrawn. I consider that no prejudice arises as a result of their subsequent adoption and consideration in my decision on this appeal.

Main Issues

3. The main issues are the effect of the proposal on i) the character and appearance of the area, and ii) the living conditions of the occupiers of 590 Field End Road (No 590) with specific regard to visual intrusion.

Reasons

Character and appearance

4. The appeal site is a grassed verge, planted with trees of varying sizes, separating Paddock Road from Field End Road. Both Field End Road and the appeal site are at a higher level than Paddock Road and the houses that front onto it, facing the site. An existing telecommunications mast and associated cabinets are currently located on the verge between Field End Road and a spur of Paddock Road. Despite being in a different location, the proposed mast and associated cabinets are a replacement for that existing installation, to allow the delivery of modern 5G services, as well as the continued delivery of the existing 2G to 4G services, for two network operators.

5. There are vertical elements in the street-scene, in the streetlights, trees and the existing mast. However, whilst the existing mast is slightly taller than the streetlights, the appeal proposal would be significantly taller, and the headframe substantially bulkier. The associated cabinets would also present a large, prominent and incongruous line of cabinets backed by a rendered wall, adding visual clutter to the street scene. I acknowledge the suggestion of the appellant that the overall additional size of the mast relates to the uppermost parts of it. However, to my mind that approach ignores the increased prominence of the mast in longer and wider views, which would highlight the incongruous and significant extra height. I also do not consider, given the proposed location, increased diameter of the mast and the number of additional cabinets that the overall effect at ground level would remain the same.

6. The appellant has suggested that the cabinets themselves are permitted development and should not therefore be considered in this appeal. However, they have provided no further detail on this point, and in any event, I have considered the effect of the mast and the cabinets in combination, as shown on the application drawings and described in the description of development. In any case, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990 and other mechanisms exist to establish whether or not that would be the case.

7. I consider that the location and setting of the proposed mast and equipment is materially different from the existing installation and as such has different effects. Taken as a whole, I consider therefore that the development would be visually intrusive, unduly dominant and give the street and site an unacceptably cluttered appearance.

8. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHB 21 of the London Borough of Hillingdon Local Plan: Part 2 – Development Management Policies (2020) (the DM Local Plan). These policies seek, amongst other things, to ensure that development is appropriate to and harmonises with its context and surrounding character and that telecommunications development in particular is sited and designed to minimise visual impact.

Living conditions

9. I acknowledge the distance from the appeal proposal to the front windows of No 590, and the hedge which surrounds that property. However, a hedge is not permanent, and the appeal proposal would be elevated above the ground-floor level of that property. In addition, the proposed cabinets would be backed by a wall. To my mind this combination of factors would increase the effect of the proposal with regard to visual intrusion for occupiers of No 590 in particular.

10. I consider therefore that the appeal proposal would cause unacceptable harm to the living conditions of the occupiers of No 590 with specific regard to visual intrusion. It would therefore be contrary to Policy DMHB 21 of the DM Local Plan, which seeks, amongst other things, to ensure that telecommunications development is only permitted where it is sited and designed to minimise visual impact. The Council has cited Policy DMHD 1 of the DM Local Plan, but as that related to alterations and extensions to residential dwellings, I do not consider it to be relevant to this proposal.

Other Matters

11. I note the support in the National Planning Policy Framework (the Framework) for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.

12. I note the suggestion from the appellant of a condition to require the removal of the existing equipment following the installation of that proposed in this appeal. However, as my findings relate to the appeal proposal, rather than the cumulative effect of the existing and proposed mast and equipment, this does not alter my conclusions.

13. As the proposal would in my opinion be harmful to the character and appearance of the area and would cause harm to the living conditions of the occupiers of No 590 with specific regard to visual intrusion, the resulting development plan conflict would be significant. I do not consider that the support for high quality communications infrastructure in the Framework is a material consideration of sufficient weight to outweigh the harm and associated conflict I have found with the development plan.

Conclusion

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

S Dean

INSPECTOR