
Appeal Decision

Site visit made on 1 September 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2020

Appeal Ref: APP/A5270/W/20/3248456

Site Opposite 280A Whitton Avenue East, East Sudbury, Greenford, Ealing UB6 0JP

- 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 194086FUL, dated 19 September 2019, was refused by notice dated 9 December 2019.
 - The development proposed is the installation of a 20m monopole, 12 no. apertures, equipment cabinets, alongside the removal of the existing 11.7m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have adopted the address used on the appeal form as this most accurately describes the site's location.

Main Issues

3. The main issues in this case are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers, particularly with regard to the effect on outlook to the occupiers of 280A Whitton Avenue East.

Reasons

Character and appearance

4. The proposal is to demolish an existing c.12m tall telecommunications mast and associated ground level cabinets and to erect a c.20m tall 5G telecommunications mast and associated ground level cabinets on a different site on the opposite side of Whitton Avenue East. The appellant has stated that the proposed cabinets, in isolation, would constitute permitted development under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2016. However, it is reasonable to assume that the cabinets would only be constructed as part of the proposed works as they are intrinsically connected to the functioning of the mast. They would not be

- built if the mast were not built, and equally the mast would not be built without the cabinets. I have therefore assessed the proposal to include the cabinets.
5. The appeal site is a grass verge on the north side of Whitton Avenue East, which is a suburban residential street. There are grass verges all along the north side of the road and a number of trees in a linear pattern along the verges. This is a strong characteristic of the area, and it is designated as a Green Corridor in the Development Management DPD 2012 (the DPD). There is also a lamp post on the site, which would be retained.
 6. The proposed mast would be substantially taller than the surrounding buildings, and the existing vertical features of the trees, lamp posts, and the mast to be retained further to the west. By dominating the surrounding built form and trees it would detract from the street scene and harm views along the Green Corridor. The number and size of the proposed ground level cabinets, in combination with the proposed mast, would result in the loss of a significant proportion of the grass verge and would urbanise the site, and would be detrimental to the character and appearance of the verge and wider area.
 7. The proposed mast would be significantly taller than the existing mast. It would also be located in a more conspicuous location, with lesser screening from surrounding trees and would be more prominent in the street scene. Although further away from the area of public open space to the south than the existing mast, due to its height it would have a similar visual effect on the open space. The existing mast and cabinets are located directly on the boundary of the footpath with the open space to the south and have a narrow footprint. There would be limited benefit from the releasing of this space back to the footway.
 8. Consequently, the proposal would harm the character and appearance of the area. It would therefore fail to comply with the relevant parts of Policies 2.18, 7.4, and 7B of the DPD, and Policy 5.3 of the Development Strategy 2026 which, amongst other criteria, seek to protect Green Corridors, including limiting impact from development on the openness and views through them, and high quality design of an appropriate scale. It would also fail to comply with the relevant parts of Policies 7.4 and 7.6 of the London Plan 2016 (the LP) which, amongst other criteria, seek high quality design of human scale. It would fail to comply with Chapter 12 of the National Planning Policy Framework (the Framework) which, amongst other criteria, requires high quality design.

Living conditions

9. The proposed mast and cabinets would be set away from 280A Whitton Avenue East, separated by part of the grass verge, the footway, and a relatively large front garden. In combination to this separation, neither the proposed cabinets because of their height nor the proposed mast because of its narrowness would protrude significantly into the view from the affected windows in no.280A. The proposal would therefore have limited effect on the occupiers of the property with regard to outlook.
10. Consequently, the proposal would not have a significant effect on the living conditions of neighbouring occupiers and it complies with the relevant parts of Policy 7B of the DPD which, amongst other criteria, seeks a high standard of amenity for adjacent uses. It complies with Policy 7.6 of the LP which, amongst other criteria, requires that development does not unacceptably harm the amenity of surrounding buildings. It also complies with Paragraph 127 of the

Framework which, amongst other criteria, seeks a high standard of amenity for existing users.

Other Matters

11. The appellant has provided information to support the height and width of the proposed monopole, on the basis that 5G signals are prone to the shadowing effect of adjacent buildings and trees which reduces broadcast range, to reduce conflict with 2G/3G/4G signals, and also in order to clear International Commission on Non-Ionizing Radiation Protection guidelines. I am therefore convinced of the necessity of a mast of this height.
12. However, a sequential assessment is necessary in this case in order to ensure that the harm to the character and appearance of the area that I have identified could not be overcome by an alternative proposal and/or location. In this regard, although close to the existing site to the opposite side of the road, the proposal is in a different location and is not for the re-use of an existing telecommunications site. The sequential assessment should include an assessment of the possibility of erecting antennas on an existing building, mast or other structure, as set out in Paragraph 115 of the Framework.
13. The appellant has provided an assessment of five alternative sites. However, the assessment lacks detail such as a visual assessment of suitable proposals. The precise location of the sites has not been identified on a map. The assessment is not robust. In addition, I have not been provided with details of cell and radio coverage and it is not therefore clear what the relevant search area should be for an alternative site because the effect of alternative locations on the coverage has not been identified. I cannot therefore be sure that further potentially suitable alternative sites have not been missed from the assessment. It has therefore not been demonstrated that there is not an alternative site that would be less harmful to the character and appearance of the area. This weighs against the proposal.

Planning Balance

14. I am mindful that Paragraph 112 of the Framework supports the expansion of 5G electronic communication networks. This weighs in favour of the proposal. However, the need for a mast in this precise location has not been adequately demonstrated. I therefore place limited weight on this. That there would be no significant effect on the living conditions of neighbouring occupiers weighs neutrally in the planning balance. As set out in Paragraph 124 of the Framework, good design is a key aspect of sustainable development, and I place substantial weight on the harm to the character and appearance of the area that I have identified. This harm outweighs the positive and neutral effects of the proposal.

Conclusion

15. For the reasons above, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR