
Appeal Decision

Site visit made on 20 October 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/R5510/20/3427003

Streetworks telecommunications mast, junction of Westbourne Road and Uxbridge Road, Uxbridge, Hillingdon UB10 0PD

- 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 Hillingdon.
 - The application Ref 74888/APP/2019/1982, dated 12 June 2019, was refused by notice dated 5 September 2019.
 - The development proposed is the removal of the existing 12m telecommunications mast and associated equipment, replaced by a 20m streetworks pole with 12 apertures, ground based equipment cabinets and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of the existing 12m telecommunications mast and associated equipment, replaced by a 20m streetworks pole with 12 apertures, ground based equipment cabinets and associated works at Streetworks telecommunications mast, junction of Westbourne Road and Uxbridge Road, Uxbridge, Hillingdon UB10 0PD in accordance with the terms of the application, Ref 74888/APP/2019/1982, dated 12 June 2019, 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: 002; 100; 150; 215 and 265.
 - 3) Any apparatus or structure provided in accordance with this permission shall be removed from the land, after it is no longer required for electronic communications purposes, and such land, shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing with the Local Planning Authority.

Procedural Matters

2. The Council's description of the address of the proposal has been used in the interests of accuracy. For the sake of clarity, the submitted plans and appeal documentation show 9 retained and new telecommunications cabinets, including at the base of the mast, and the appeal has been assessed on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises a 12m high telecommunications pole and 4 associated cabinets alongside a pedestrian footway on Uxbridge Road. The equipment is located in front of the car parking/servicing yard of a commercial laundry and dry-cleaning business. On Uxbridge Road, many buildings have first and second floor residential uses above ground floor retail and commercial uses. Residential dwellings are also located in streets either side of it. Nevertheless, Uxbridge Road is dominated by the many shopping and commercial uses which are extensive and visually dominant. The road itself comprises several lanes and road reservation barriers, and is heavily trafficked serving as a major urban thoroughfare.
5. Within this built up urban context, the proposed mast and number of cabinets would not be visually obtrusive. Despite its greater height, the monopole mast would be seen against the backdrop of numerous vertical street elements, such as lighting columns and buildings. The cabinets would be lower in height than an adjacent metal fence, next to the commercial yard and building behind, and would be modest in scale. They would be seen within the context of existing street furniture and paraphernalia, such as the fencing, advert hoardings/structures, lamp columns, pedestrian crossing point apparatus and a heavily trafficked road.
6. For all these reasons, the development would not harm the character and appearance of the area. Accordingly, the proposal would comply with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies 2012 and Policies BMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part Two – Development Management Policies 2020 which collectively and amongst other matters, require high quality design, the respecting of the local area's context, the harmonising of development with the local context, the minimisation of visual impact and no detrimental impact on the character and appearance of the area. Consequently, the proposal would comply with the development plan taken as a whole and there are no other material considerations to outweigh that finding and planning permission should be granted.
7. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended and shortened in the interests of clarity and precision taking into account the guidance. For the avoidance of uncertainty and to allow for applications for minor material amendments, a condition is necessary specifying the approved drawings. In the interests of the character and appearance of the area, a condition is necessary to remove any telecommunications equipment when it is no longer required.
8. There is vegetation, including a young tree, adjacent to the existing mast and cabinets. However, the new mast would be located away from this location and adjacent to a commercial building. The new cabinets closest to the tree would be built within the existing hard surfaced footway. Therefore, conditions prohibiting tree works to this tree and requiring the implementation of approved foundation details are not necessary.

Conclusion

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR