
Appeal Decision

Site visit made on 19 January 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2021

Appeal Ref: APP/R5510/W/20/3261366

Junction of Cowley Road and Cowley Mill Road, Uxbridge, London UB8 2LR

- 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 60730/APP/2019/3805, dated 20 November 2019, was refused by notice dated 21 May 2020.
 - The development proposed is the installation of a 20m monopole, 12 antenna apertures, 9 equipment cabinets along Cowley Road, following the removal of the existing 12m monopole, 3 antennas and redundant equipment cabinets along Cowley Mill Road.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a 20m monopole, 12 antenna apertures, 9 equipment cabinets along Cowley Road, following the removal of the existing 12m monopole, 3 antennas and redundant equipment cabinets along Cowley Mill Road at the junction of Cowley Road and Cowley Mill Road, Uxbridge, London UB8 2LR in accordance with the terms of the application, Ref 60730/APP/2019/3805, dated 20 November 2019, and the plans submitted with it, subject to the following condition:

The existing monopole and associated cabinets and equipment shall be removed from the site and the land restored to its previous condition, as soon as practicable, when they are no longer required for electronic communication purposes.

Procedural Matter

2. The above description is taken from the appeal form since it tallies with the decision notice.

Main issues

3. The main issues are the effect of the proposal on the character and appearance of the area and implications for flood risk.

Reasons

Character and appearance

4. The proposed monopole and equipment would be on Cowley Road, replacing similar structures nearby at the junction of Cowley Road and Cowley Mill Road.

5. Cowley Road is a busy through route, with tall street lights. The proposed mast and equipment would be sited by a line of various trees on a grass verge by the roadside pavement and a stream. Adjacent on the other side of the road is a parade of shops, with extensive housing beyond.
6. The monopole and cabinets would be seen in the context of the adjacent busy road. The monopole would be slimline and simple with no protruding side structures; it would not attract attention. The monopole and cabinets would also be identifiable for their function. The cabinets are small and even when seen with the monopole would not amount to an extensive array of structures.
7. The monopole would be 20m high. However, the site does not feature in any significant views but would be freestanding away from buildings. Furthermore, the trees would form a softening background. Accordingly, the proposal would not be obtrusive.
8. The decision notice mentions harm to the nature conservation value of the landscape. No records of any protected species in the immediate vicinity have been brought to my attention. The roadside verge, would be likely to be regularly cut, thereby limiting its biodiversity value. The stream may help the movement of wildlife but that would not be prejudiced by the proposal. The mast and cabinets would not detract from the character of the streamside because they would be seen in conjunction with the main road.
9. The submitted photomontages show the proposed structures when the trees are in leaf and confirm my assessment above. I therefore conclude that the proposal would not harm the character and appearance of the area.
10. Policy BE1 of the Hillingdon Local Plan: Part 1, seeks to protect the public realm and requires design to respect the sense of place. Policies DMHB 11, DMHB 12 and DMHB 21 of The Hillingdon Local Plan Part 2 – Development Management Policies, require high standard design, protect the public realm, and that telecommunications equipment minimises visual impact. Paragraph 112 of the National Planning Policy Framework Framework (the Framework) emphasises the economic importance of telecommunications infrastructure. Paragraph 113 of the Framework mentions the need for sympathetic design. The proposal would not conflict with these policies.

Flood risk

11. The appellant's statement disputes the Council's assessment, stating that the monopole and cabinets would be in flood zone 1. I noted on my site visit that they would be higher than the Cowley Road carriageway, which would indicate they would be less likely to be at risk than the road. In any event the proposal is intended to replace existing provision so there would be an inherent need for the siting in this area. Accordingly, the proposal would not be in conflict with paragraph 155 of the Framework and Policy EM6 of the Hillingdon Local Plan: Part 1 and DMEI 9 of The Hillingdon Local Plan Part 2, which seek to prevent flooding and locate infrastructure appropriately.

Other matters

12. The proposal would be close to trees but there is an intervening hard surfaced pavement. The trees are unlikely to have extensive roots by the proposed structures and indeed the Council's Arboricultural Officer had no objection.

13. The proposal is intended to improve the digital capacity of the area, serving two networks. The appellants have also looked at alternative sites. I find that these aspects add support to the proposal.

Condition

14. Paragraph 55 of the Framework and the Planning Practice Guidance (PPG), provide the tests for conditions. The appellants confirm their acceptance of the removal of the existing structures and that is imposed as it confirms the intent of the proposal. However, the wording unless otherwise agreed is removed to avoid uncertainty.

Conclusion

15. I therefore conclude that the appeal should be allowed.

John Longmuir

INSPECTOR