



Appeal Decision

Site Visit made on 23 February 2021

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Appeal Ref: APP/R5510/W/20/3247019

Coleridge Way/Uxbridge Road, Hayes, Hillingdon UB4 0RY

- 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 London Borough of Hillingdon.
 - The application Ref 74909/APP/2019/2104, dated 20 June 2019, was refused by notice dated 5 September 2019.
 - The development proposed is installation of 20m monopole, 12 no antenna apertures and equipment cabinets, the removal of existing 11.7m high monopole, 3 no antennas redundant equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the issuing of the decision the Council adopted the Local Plan Part 2 – Development Management Policies (the LPP2). This superseded the Hillingdon Local Plan: Part Two – Saved UDP Policies which was referred to on the decision notice. I have therefore not used the policies in the latter document in making this decision.
3. The Mayor of London published the London Plan 2021 on 2 March 2021. In light of this change in the development plan I asked the parties for their comments. I have taken account of their responses in this decision.
4. The Council refused the appeal for two reasons, with the second asserting that the Council had insufficient information in relation to the effects on trees. At the appeal stage arboricultural information was submitted and the Council indicated that this showed that trees would not be affected. On that basis I am satisfied that the effect on trees is no longer an issue and will consider it no further.

Main Issue

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

Reasons

6. The appeal site lies on the southern side of Uxbridge Road, the A4020. This is a major thoroughfare. It is a dual carriageway with a service road parallel to it on the northern side. On the southern side, from the carriageway, is a mostly grass verge, approximately 1.8 m wide, followed by a cycleway and a footway separated from one another. The cycleway and footpath are each approximately 3 m wide, and at slightly different levels separated by a kerb.

7. The footway is remarkably clear of street furniture. Apart from the existing pole and its equipment boxes the only street furniture in this section are bus shelters and a bench and litter bin adjacent to each of these shelters and a short way to the southeast is a single, approximately 1.2 m high box with a TfL sticker upon it, which would appear to control a set of pelican crossings. Lighting columns are located in the verge on the southern side of the road and are approximately 9 m tall. There are similar height lighting columns on the northern side as well.
8. The dense urban frontage development on the north side of Uxbridge Road is made up of long three storey flat roofed terraces with what appears to be two storeys of residential above commercial, town centre, uses. In contrast the southern side is more open with communal gardens set behind a railing fence. However, there are sections where there are hedges, and the dwellings are in flatted blocks, set perpendicular to Uxbridge Road accessed from the south.
9. Currently there is an approximately 12 m high pole with shrouded antennae on the top section towards the back edge of the footway along with four cabinets. Three are of a reasonable size and are painted light grey. The fourth is smaller, set adjacent to the most north-westerly of the larger boxes, and painted dark green.
10. The proposal is to remove the antennae pole and three of the four cabinets, leaving one of the light grey cabinets and construct a new 20 m high pole and nine cabinets approximately 41 m to the northwest. The pole would be located in the verge, a short distance from an existing lighting column, and the cabinets would be located along the back edge of the footway. This section of footway where the proposed cabinets would be sited is currently clear, although it is near to the side, blank, elevation of the adjoining flats.
11. The new apparatus would facilitate the roll out of 5G services for two operators. To allow for physical separation the antennae are installed vertically at the top of the mast. The bottom of the mast would sit in an equipment box which would be used to control the antennae. As paragraph 112 of the National Planning Policy Framework (the Framework) explains planning decisions should support the expansion of electronic communications including 5G. I therefore give the benefit of the delivery of this facility substantial weight.
12. Policy DMHB 21 of the LPP2 indicates that telecommunications development will only be permitted, among other matters, where it is sited and designed to minimise their visual impact, that is does not have a detrimental impact on the visual amenity, character or appearance of the local area and there is no possibility of alternative sites, mast sharing or the use of existing buildings. Policy SI 6 of the London Plan indicates that development proposals should meet expected demand for mobile connectivity and support the effective use of the public realm (such as street furniture and bins) to accommodate well-designed and suitably located mobile digital infrastructure.
13. The appellant explains that the height of the pole is a function of the need to ensure vertical separation of the four sets of antennae. To meet the need to provide services in the vicinity the alternative of a 20 m high pole would therefore be to provide two, or more, poles. I accept the evidence of the appellant that it has undertaken a reasonable area of search for potential locations. That Policy DMHB 21 of the LPP2 encourages mast sharing locations

- leads to a conclusion that the Council's policy preference is for a single, higher, pole rather than more lower ones where appropriate.
14. The pole would be located in the close context of a three-storey building and trees. This would reduce the effect on the street scene. Perspective would also minimise the effects when viewed in longer distance views as the pole would be seen in the context of other existing street furniture, particularly lighting columns. Given these factors, I conclude that the need for a 20 m high pole in this location would outweigh any visual harm.
 15. However, in short distance views different considerations apply. A viewer would look more at eye level along the street rather than up to the height of the pole. Here there would be the squat base of the pole and nine different equipment boxes of differing heights and widths, as well as one retained equipment box at the site of the existing pole.
 16. The appellant explains the individual boxes are to facilitate 2G, 3G, 4G and 5G systems, and as there are two operators that means two sets of equipment cabinets. While the appellant has asserted that this is the minimum number of cabinets needed to support the technologies, it has submitted no evidence to show that this is the only way that these services could be provided or that they cannot be provided in fewer larger cabinets, or located in a single well-designed, purpose-built structure.
 17. This number and the variety of the sizes and shapes of the equipment boxes would not result in a harmonious design. They would result in visual clutter and would be harmfully intrusive into the street scene, which is currently noticeably clear of street furniture. They would give the appearance of a haphazard collection of disparate elements and can only be said to represent poor design. That one retained equipment box would be set some distance away also adds to the harm. As paragraph 130 of the Framework makes clear permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. The Government has repeatedly stressed the importance of good and beautiful design and I therefore give this harm great weight.
 18. I have considered whether painting the equipment boxes and/or pole in a dark recessive colour secured by planning condition would reduce the harm to allow permission to be granted. In respect of the mast, because of the light colouration of the existing lighting columns, a dark colour would be more intrusive. In respect of the equipment boxes, this would mitigate the effects to some small extent, but would not have a material effect on the level of harm since it is the number and variety of the sizes and shapes of the boxes that has greatest significance.
 19. The appellant makes the point that the individual equipment boxes could be installed under permitted development rights. However, the Courts have made clear that if one element of a proposal would not meet the relevant criteria for permitted development then the whole would not be so permitted. The proposal is for the mast and equipment boxes and should be considered as a single project.
 20. Taking all these matters together, I consider that the harm to the visual amenities and character and appearance of the area is such it that outweighs

the benefit of the need to provide high quality communications equipment even giving that need substantial weight.

21. Consequently, the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012), and Policies DMHB 11, DMHB 12 and DMHB 21 of the LPP2 all of which set out the importance of good design, and that the quality of the built environment should be improved and maintained, ensuring the public realm design takes account of the established townscape character and quality. It would also be contrary to Policy D3 of the London Plan 2021 which requires development to enhance local context through their layout and appearance.

Conclusion

22. For the reasons given above I conclude that the appeal would be contrary to the development plan taken as a whole. As there are insufficient material considerations to indicate a decision contrary to the development plan, the appeal should be dismissed.

RJ Jackson

INSPECTOR