



Appeal Decision

Site Visit made on 27 April 2021

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 May 2021

Appeal Ref: APP/R5510/W/20/3264941

Telecommunications Streetworks Mast, Lombardy Retail Park, Uxbridge Road, Hayes, Hillingdon UB4 0JA

- 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 for H3G (UK) Ltd & EE (UK) Ltd against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 60086/APP/2020/374, dated 4 February 2020, was refused by notice dated 7 August 2020.
- The development proposed is “The installation of a 20m monopole, 12 no. antenna apertures, 8 equipment cabinets, alongside the removal of the existing 11.7m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto.”

Decision

1. The appeal is allowed and planning permission is granted for the installation of a 20m monopole, 12 no. antenna apertures, 8 equipment cabinets, alongside the removal of the existing 11.7m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto at Telecommunications Streetworks mast, Lombardy Retail Park, Uxbridge Road, Hayes, Hillingdon, UB4 0JA in accordance with the terms of the application, Ref 60086/APP/2020/374, dated 4 February 2020, subject to the schedule of conditions attached to this decision.

Preliminary Matters

2. The Council has confirmed their decision notice preceding this appeal contains errors in that it refers to a refusal of prior approval instead of a refusal of full planning permission. I am satisfied that the original application was for full planning permission, was considered as such by the Council, and that the reasons for refusal set out in the decision notice were intended to refer to a refusal of full planning permission. I have therefore considered the appeal on that basis.

Main Issue

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

Reasons

4. The character of the area surrounding the appeal site is dominated by the large four-lane roundabout at the junction of Uxbridge Road and The Parkway and the many large buildings and car park of the Lombardy Retail Park directly to the south of appeal site, together with their associated infrastructure. Landscaping in the area merely softens the appearance of the retail park to some extent. A

raised, heavily planted landscaping bund borders the northern side of Uxbridge Road, largely shielding the appeal site from residential properties beyond in that direction. Amongst the extensive signage, lighting columns, traffic lights and CCTV poles in the area are existing telecommunication monopoles and cabinets similar to those proposed to be removed.

5. The existing monopole and cabinets straddle a footpath and cycle lane, whereas the proposed development would be located in front of the south side of the well-planted raised section of the central reservation of the Uxbridge Road dual-carriageway. The siting of the proposed telecommunication equipment would therefore be better separated from the public realm, in a tidier and more appropriate arrangement than the existing equipment.
6. It is proposed to increase the number of cabinets by three, which will be spread over a larger area than the existing cabinets. Most of the cabinets will be somewhat bigger than those that currently exist, but despite these differences, they will have no greater impact on the character or appearance of the area. Positioned on the central reservation of the dual-carriageway they would appear as typical items of infrastructure often found in locations such as this.
7. At 20m in height, the proposed monopole would be significantly taller than the existing 11.7m high monopole, and wider too, with a more obvious antenna arrangement. It would exceed the height of surrounding tree canopies and be more visible from the residential area to the north at the open junction of Devonshire Way and during certain times of the year when trees on the landscaping bund and central reservation are bare.
8. The proposed monopole would be dominant in views along Uxbridge Road on account of its height, but no aspect of the proposed development would appear out of place or as unexpected alien features due to the overwhelming presence of other telecommunication, retail park and highway infrastructure. Likewise, views from the residential properties to the North would be accompanied by the wide dual carriageway, Lombardy Retail Park and various signage.
9. In this context the proposed development would sit comfortably in its surroundings without having any undue effect on the street scene where the proposed monopole would be seen as one of many tall columns, albeit the tallest. It would therefore not cause any harm to the character or appearance of the area.
10. I note the Council's preference for the equipment to be located on or adjacent to the site of the existing equipment, but the appellant has advised this is not possible due to a lack of sufficient space caused by existing underground utilities. The Council are concerned by a lack of evidence demonstrating this, but have not provided any evidence of their own to lead me to doubt the appellant's claim. The appellant has submitted detailed representations demonstrating the appeal site is the nearest suitable site for the proposed development from an operational point of view which has not been contested, and I have found this to be a more appropriate location than the existing equipment for the reasons I have given.
11. The proposed development would not therefore harm the character or appearance of the area, in accordance with Policy BE1 of the Council's Local Plan: Part 1¹ and Policies DMHB 11, DMHB 12 and DMHB 21 of the Council's Local Plan:

¹ Hillingdon Local Plan: Part 1 – Strategic Policies (2012)

Part 2². These policies require, amongst other things, proposals to take into account local identity and existing development, integrate well with the surrounding area in avoiding harm to visual amenity.

Other Matters

12. The Council has referred to an appeal decision³ from 2005 in respect of development similar to that which currently exists at the appeal site, which was dismissed due to the impact of that development on the character and appearance of the area. Although I have not seen the plans accompanying that appeal, having read that appeal decision and visited the local area it is clear that the character and appearance of this location has changed since that appeal decision was written. The findings in that appeal decision therefore do not lead me to any different conclusions following my reasoning set out above.

Conditions

13. It is necessary to attach a condition requiring the commencement of development within three years and a condition requiring development to be carried out in accordance with the approved plans, to provide clarity and certainty.
14. The Council have suggested a condition requiring the removal of the proposed telecommunication equipment and the restoration of the affected land once the development is no longer required for such purposes. I have been advised by both parties that such a condition currently applies to the existing telecommunication equipment which is to be replaced by the proposed development. It is therefore possible that the proposed development may become redundant for electronic communication purposes at some point in the future and such a condition would therefore be appropriate and reasonable.
15. Both parties have suggested a condition requiring the removal of the existing telecommunication equipment and the return of the land affected to its former condition, but within different timescales. I consider it unreasonable to require the existing equipment to be removed within a fixed timescale from the date of this decision, as the installation of the replacement equipment may be delayed. The application is clear in stating the proposed equipment is to replace the existing equipment, which is already subject to a condition requiring its removal once it ceases to be required for electronic communication purposes.
16. I have found the proposed telecommunication equipment to be acceptable on the basis that it is a direct replacement for existing telecommunication equipment; the impact on the character and appearance of the area would be markedly different if both sets of equipment were to co-exist for any substantial period of time. The appellant has confirmed their intention to remove the existing equipment and I therefore see no reason why the existing equipment should not be removed within a reasonable timescale once the proposed replacement equipment has been installed and become operational. I have therefore attached a condition requiring the removal of the existing equipment within three months of the proposed equipment being first used for electronic communication purposes. I consider this reasonable and necessary in the circumstances.

² Hillingdon Local Plan: Part 2 – Development Management Policies (2020)

³ APP/R5510/A/05/1182865

17. The application form refers to the materials and finishes of the proposed and existing development as being 'galvanised steel'. However, I have seen that the existing equipment has different finishes and the proposed plans rely on a range of colours to identify different aspects of the proposal with no further details. It is therefore necessary to attach a condition requiring the approval of the external colours of the proposed development prior to the commencement of works, which the appellant has agreed to. For practical reasons, the detail needs to be agreed prior to the commencement of development.

Conclusion

18. For the reasons given, and subject to the attached conditions, I conclude that the appeal should succeed.

L Douglas

INSPECTOR

SCHEDULE OF 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: 998808_HGN004_50677_UB0124_M001 Rev A: 002 SITE LOCATION PLAN, 998808_HGN004_50677_UB0124_M001 Rev A: 100 EXISTING SITE PLAN, 998808_HGN004_50677_UB0124_M001 Rev A: 150 EXISTING ELEVATION A, 998808_HGN004_50677_UB0124_M001 Rev A: 215 MAX CONFIGURATION SITE PLAN – SHEET 1, 998808_HGN004_50677_UB0124_M001 Rev A: 216 MAX CONFIGURATION SITE PLAN – SHEET 2, 998808_HGN004_50677_UB0124_M001 Rev A: 265 MAX CONFIGURATION ELEVATION – SHEET 1, 998808_HGN004_50677_UB0124_M001 Rev A: 266 MAX CONFIGURATION ELEVATION – SHEET 2.
- 3) No development shall commence until details of the external colour or colours of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall be removed from the land as soon as reasonably practicable after it is no longer required for electronic communications purposes, and any such affected land shall be restored to its condition before that part of the development took place, or to any other condition as may be agreed in writing with the Local Planning Authority.
- 5) The existing telecommunication equipment shown on drawing numbers 998808_HGN004_50677_UB0124_M001 Rev A: 100 EXISTING SITE PLAN and 998808_HGN004_50677_UB0124_M001 Rev A: 150 EXISTING ELEVATION A shall be removed from the land within three months of any part of the development hereby permitted first being brought into use for electronic communication purposes, and the land shall be restored to its former condition before the development took place, or to any other condition as may be agreed in writing with the Local Planning Authority.