



Appeal Decision

Site Visit made on 28 June 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021

Appeal Ref: APP/R5510/W/20/3265568

Columbus, Victoria Road, Ruislip, Hillingdon HA4 0QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL against the decision of the London Borough of Hillingdon.
 - The application Ref 75575/APP/2020/1478, dated 5 May 2020, was refused by notice dated 26 June 2020.
 - The development proposed is the installation of a 20m monopole, 12 no antenna apertures, equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the installation of a 20m monopole, 12 no antenna apertures, equipment cabinets and development ancillary thereto at Columbus, Victoria Road, Ruislip, Hillingdon HA4 0QB in accordance with the terms of the application ref 75575/APP/2020/1478, dated 5 May, and the plans submitted with it.

Preliminary Matters

1. There is no dispute that the proposal would accord with the requirements of Schedule 2, Part 16, Class A Paragraph A.2(3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. Consequently, prior approval for the siting and appearance of the proposed development, is required and is the subject of this appeal.
2. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. However, I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

3. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding street scene, and whether any harm caused is outweighed by the need to site the installation in the proposed location.

Reasons

4. Victoria Road is part of an arterial route through the area. Its character, local to the appeal site, consists of commercial and industrial uses on its south side and residential use to the north. The road therefore forms a point of transition between commercial and residential activity. The footways on both sides of the highway are largely set within grass verges of varying depths and include some dispersed trees. Commercial buildings are set back behind car parking areas on the south side of the highway. The appeal site is within a grass verge, between two mature trees. The site makes a neutral contribution to the character and appearance of the area.
5. The National Planning Policy Framework (The Framework) places importance on decisions that support the expansion of electronic communication networks. It states that new masts should be sympathetically designed. Such equipment should be consistent with the needs of consumers, the efficient operation of the network and provide reasonable capacity for future expansion. The Framework also encourages the reuse and adaption of existing base stations. Furthermore, it states that proposals for new masts should evidence the possibility of erecting antennas on an existing building, masts or other structures. This therefore establishes a sequential approach first favouring the reuse of existing sites.
6. The appellant's alternative site assessment considers a range of nearby rooftop sites, existing local masts and alternative base station locations. This concludes that there are no suitable alternative sites. These have been excluded for reasonable reasons. It is also recognised that the proposal would be shared by two operators. It is therefore unlikely that a more suitable site would be more reasonably or readily available than that proposed.
7. The proposal would be within a grass verge, in front of a car park that serves a large retail store. The mast would be partially visible from long views along Victoria Road and from largely oblique views from residential properties opposite the site. However, these views include streetlights, car park lighting columns and signage that place a range of vertical features within an area with an urban character. Adjacent trees would also provide some screening that would diffuse views of the proposed mast. In this context, the slim monopole mast, and its antennas, would integrate well with the existing street character and the adjacent commercial setting. It would therefore not attract particular attention or be especially prominent in the streetscene. As such, the proposal would largely blend into the local streetscape.
8. The ancillary equipment cabinets would be seen within the same visual context as the adjacent trees and nearby street furniture. These would be painted light grey, thereby limiting their prominence within the streetscene and the commercial backdrop.
9. Although, some consideration has been made to the framing of the proposal, it would nevertheless be seen within the street-scene. However, this in itself would not result in harm to the character of the area as the mast would be relatively discrete set among other roadside features. Furthermore, the absence of suitable alternative sites and the provision of reliable 5G coverage is of great importance. The public benefit of enhancing this infrastructure would out-weight the identified, albeit limited, visual impact of the mast.

10. The appellant has submitted a declaration of conformity with ICNIRP guidelines. I also recognise the position of the mast and cabinets within the grass verge would be such that they would not obstruct pedestrian movement further limiting the impact of the proposal.
11. Insofar as they are material considerations, I have also had regard to policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies and policies DMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Part Two – Development management policies. These policies, among other matters, seek development to maintain the quality and harmonise with the built environment and for telecommunication equipment to minimise its visual impact. As I have found that the proposal would integrate well with the local streetscene it would accord with the requirements of these policies.

Conditions and conclusion

12. Any planning permission granted for the mast under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These specify that the development must be carried out in accordance with the details submitted with the application (unless otherwise agreed in writing by the Local Planning Authority), must begin not later than the expiration of five years beginning with the date on which the local planning authority received the application and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its former condition.
13. Conditions, beyond those listed with the GPDO, have been suggested by the Council with regard to the protection of trees and vegetation during the installation of the proposal. The Council consider these to be necessary in order to 'ensure that the trees continue to make a valuable contribution to the amenity of the area'. However, the GPDO does not provide specific authority for the imposition of conditions beyond those listed at paragraphs A.2 and A.3 of the GPDO. In any event, the trees around the proposed site would be unlikely to be affected by the proposal. The suggested conditions would therefore be unnecessary and imposing them would be unreasonable.
14. For the reasons set out above, I conclude that the proposed siting and appearance of the proposed mast and cabinets would complement the character and appearance of the area and so, insofar as they are material considerations, would accord with the policies of the development plan. I therefore conclude that the appeal should be allowed, and prior approval granted.

B Plenty

INSPECTOR