



Appeal Decision

Site Visit made on 8 September 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 1st October 2021

Appeal Ref: APP/A5270/W/21/3271588

Area of Grass Verge, Wadham Gardens, Greenford, London Borough of Ealing UB6 0BX

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Hutchison 3G UK Limited against the decision of London Borough of Ealing.
 - The application Ref 204669PNT, dated 13 November 2020, was refused by notice dated 7 January 2021. The development proposed is the erection of an 18 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The main parties have referred to development plan policies in their evidence. However, 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 be had to the development plan. I have had regard to the policies of the local development plan and the National Planning Policy Framework (Framework) 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 development on the character and appearance of the area.

Reasons

4. The proposed site is an area of grass verge adjacent to a public footpath. Wadham Gardens is a residential street primarily characterised by two storey dwellings and the site is near to the junction with a larger road with more commercial uses and taller buildings. There is also a small number of street furniture nearby and the site is in close proximity to a brick wall. Given the position of the site on Wadham Gardens, it is more closely related to the modest residential character and appearance of this road.
5. While the location of the site is near commercial buildings, it is nevertheless in front of a single storey part of the premises and as such the proposed monopole would be prominent when viewed from both approaches. I acknowledge the other street furniture in the vicinity of the site and the set back from the pavement. However, the mast and associated cabinets would add to the street clutter, adversely affecting the pleasant residential character of the street.

6. The proposed mast would have a significant height that would be a great deal higher than the surrounding buildings and would be visible from long distances. While I note the other street furniture and streetlights and that the equipment could be painted black in line with the streetlights, given its considerable height, the monopole would appear discordant in the area.
7. Taken as a whole, the development would be visually intrusive, dominant and give the street and site an unacceptably cluttered appearance.
8. Consequently, the siting and appearance of the proposed development would unacceptably harm the character and appearance of the area. Therefore, it would also conflict with the Framework in this respect.

Planning Balance

9. I note the evidence which sets out the general economic and social benefits of this technology and its importance in national terms. However, the contribution that the equipment subject of this appeal would provide in national terms would be limited. In addition, I note the technical design constraints for the monopole and that its height is the minimum to meet technical requirements. I also acknowledge that the installations are designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-Ionizing Radiation Protection.
10. While I note the evidence relating to 5G coverage in the area, little substantial evidence is before me to demonstrate that the proposed siting of the monopole would fully mitigate any such shortfall. I have had regard to the alternative sites considered by the appellant for the proposed equipment and that no mast sharing opportunities or suitable buildings, or structures were identified. However, while I acknowledge local and technical constraints, given the number of buildings in the locality, I am not persuaded that other, less prominent, sites cannot be found.
11. Nevertheless, in this case I cannot rule out the possibility that an alternative site might yet be found to address the Council's concerns. Furthermore, I do not consider that the above points or the operational and locational needs of the operators or national strategy to provide 5G services outweigh the significant harm I have identified from the siting and appearance of the pole and cabinets in this particular location.
12. The Framework encourages the use of existing masts, buildings and other structures for new electronic communications capability and where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. I am also aware of local and regional development plan support for digital infrastructure. However, given the significant harm to the character and appearance of the area that would result from the siting and appearance of the scheme, these matters do not outweigh the adverse effects of the proposal.
13. I note the appeal for a site in Walworth. However, limited further details are before me to allow a direct comparison to be made with this appeal. In any event each case must be determined on its individual merits.

Conclusion

14. For the reasons given above the appeal is dismissed.

R. Sabu INSPECTOR