
Appeal Decision

Site visit made on 2 February 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2022

Appeal Ref: APP/A5270/W/21/3278167

Land adjacent to Blondin Park Allotments, Off Boston Manor Road, London W5 4DT.

- 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 Limited against the decision of London Borough of Ealing.
 - The application Ref 204006PNT, dated 6 October 2020, was refused by notice dated 8 January 2021.
 - The development proposed is the installation of a 20 metre high monopole supporting 12no. antennas and 2no. 600mm dishes, the installation of 6no. equipment cabinets and 1no. meter cabinet at ground level along with development ancillary thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The appellant has clarified that the proposal would be coloured green rather than grey. The Council has had the opportunity to comment on this matter as part of the appeal and I consider that there would be no prejudice caused to any party in considering the appeal in light of this.

Planning Policy

4. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
5. Nevertheless, policy 5.5 of the Ealing Development Strategy 2026 Development Plan Document, as well as policies 2.18, 7.4 and 7B of the Ealing Development Management Development Plan Document are material considerations as they relate to issues of siting and appearance. In particular, they seek to protect open space, protect visual openness of open spaces, ensure development complements local character and protects amenity. Policies D4, D8 and SI6 of

the London Plan have also been referred to by the Council, which seek to deliver good design, ensure the public realm remains attractive and to ensure mobile digital infrastructure is suitably located.

6. Similarly, the National Planning Policy Framework is also a material consideration, and this includes a section on supporting high quality communications.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

8. The proposed installation would be located to the north-west corner of Blondin Park, adjacent to its boundary with the adjoining Blondin allotments. The Council identify that the park is designated as an area of Public Open Space, with the allotments comprising Community Open Space. There is a distinct sense of openness when travelling through the park, which is reinforced by the noticeably low-rise nature of the surrounding development.
9. The monopole would extend to a height of 20 metres, which is significantly taller than any of the trees within the vicinity, which appear to rise to a maximum height of approximately 13 metres, with many being substantially lower. There would thus be little screening provided from the trees in the area and the monopole would dwarf the existing trees. Moreover, from many vantage points, the monopole would be viewed against an open sky, jarringly taller than any feature within the area of the park. As a consequence, the proposal would appear as a highly incongruous and intrusive feature.
10. While I observed there to be large floodlighting columns present in the nearby railway yard, there was not a significant visual relationship between these and the appeal site, and as such they provide little, if any, context for the proposed installation.
11. The proposed monopole would be located within an area of vegetation along the boundary with the allotments and would necessitate the removal of a swathe of this vegetation. This would highlight the development as a discordant addition, intruding into the verdant and leafy appearance of the park. It would also be a highly visible feature to users of the adjacent allotment, being located directly adjoining its boundary. As a result of the above, the development would be discordant and visually intrusive to users of the park, as well as those of the adjacent allotments. Furthermore, it would substantially diminish the sense of openness and spaciousness experienced at the park, by introducing an imposing and alien, man-made feature into an attractive, green setting.
12. A number of photomontages have been submitted to demonstrate the acceptability of the proposal. However, I consider that these underestimate the effect of the monopole in some views and thus do not persuade me that there would not be a harmful effect. I consider that the harm that would result from the development would be significant.

13. I acknowledge that the proposed development is intended as a replacement to a previous installation on a nearby building, approximately 360 metres to the west of the appeal site, which has had to be decommissioned due to reasons outside of the control of the operator. The proposal would allow for some of the coverage lost by the removal of this other installation to be replaced. However, I am also conscious that the siting of one replacement installation has already been secured nearby.
14. The Council agrees that due to this locational requirement to partially replace existing coverage that the geographical area within which a suitable replacement can be sited is limited. The appellant's information outlines a number of alternative sites that have been considered, all of which have been discounted for varying reasons. However, while the geographical area may be limited, the number of alternate sites considered is not extensive. While many sites have been discounted due to the width of pavements and/or being visible from residential properties, I am not convinced by the details that have been provided. Insufficient information, including technical data and relationship with adjoining residential buildings, has been submitted to clearly determine why these other sites were discounted and not appropriate as potential alternative sites. On this basis, I am not satisfied that there are no other sites that are reasonably available.
15. I have identified that the siting and appearance of the development would be harmful, and I accord significant weight to this harm. I am also mindful of the submitted information in respect of alternate sites. Given the significant weight I attach to the harm that would result from the installation, I find that the information submitted in respect of the lack of alternative sites for the installation is not a matter that outweighs this harm. Thus, I consider the siting and appearance would not be acceptable in this instance.

Other Matters

16. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.
17. I have noted the submission of several appeal decisions by the appellant. However, each of the examples turned on the specific circumstances of the case. They variously refer to applications for planning permission, not prior approval, or to shorter masts. Having regard to the case before me, they do not convince me of its acceptability.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed, and prior approval should not be granted.

Martin Allen

INSPECTOR