
Appeal Decision

Site visit made on 14 February 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

Appeal Ref: APP/R5510/W/21/3277138

Rowan Road, West Drayton, Hillingdon, London UB7 7TU

- 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, A.3(4) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison UK Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 75761/APP/2021/1507, dated 9 April 2021, was refused by notice dated 26 May 2021.
 - The development proposed is described as, "Proposed 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works".
-

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), 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 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 development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are 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

Character and Appearance

5. The appeal site comprises a grass verge which adjoins a footpath, close to the junction between Rowan Road and Laurel Lane. The surrounding area is predominantly residential, although a row of shops is present opposite the site

on Laurel Lane. Buildings which comprise part of a school lie directly behind the site, and a public house is present opposite the site on Rowan Road, albeit the public house is set-back somewhat from Rowan Road. Due to its location on the corner of a junction, the site is in a prominent position, with views of the site being particularly clear from opposite the Scout Group building on Rowan Road.

6. In this exposed location, with the surrounding buildings generally being 2 or 3 storeys in height, the proposed approximately 15 metres high telecommunications mast would be clearly evident in long views from both Rowan Road and Laurel Lane. Due to its height, width, and conspicuous tower feature, it would appear as an unduly dominant and incongruous feature in the street scene.
7. I observed one tree near the site but as that tree is physically off-set somewhat from the site and is located behind a robust buffer consisting of metal and wooden fencing and hedgerow, it would do little to screen or mitigate the impact of the proposal in visual terms. Similarly, as the nearby slimline telegraph pole is set-back behind the grass verge and does not feature a tower feature, in contrast to the proposed mast, the presence of the telegraph pole would do little to assist in the assimilation of the proposed mast in the street scene.
8. I therefore find that the siting and appearance of the proposed installation would have an unacceptable and significantly harmful effect on the character and appearance of the area. Whilst not determinative, I have had regard to Policy BE1 of the Local Plan: Part 1¹ and Policies DMHB 11, DMHB 12 and DMHB 21 of the Local Plan: Part 2². To the extent that they are relevant considerations within the terms of the GPDO, the proposal would conflict with their collective aims that, amongst other things, telecommunication development will only be permitted where it does not have a detrimental effect on the visual amenity, character or appearance of the building or the local area. The proposal would also conflict with paragraph 130 of the Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character.

Alternative Sites

9. Paragraph 117 of the Framework provides that, amongst other things, applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development, and that this should include for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
10. The appellant has appropriately followed the sequential approach, advocated by the Framework, in identifying site options. It is noted that, as with all 5G cells, the relevant cell search area is extremely constrained, and that the designated search area is intended to cover a densely-packed residential area. Options D5, D6 and D7 have all been discounted due to these all being in excess of 500 metres from the nominal location, with option D3 being discounted due to its proximity to a primary school, which on the evidence before me is reasonable.

¹ Hillingdon Local Plan: Part 1 - Strategic Policies (adopted 2012)

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

11. Nevertheless, options D1 and D4 have been discounted on the basis that they are closer to residential housing and further from the nominal location than the option that has been put forward. However, these options have not been flagged as being intrinsically unviable from a coverage perspective, and very little details have been provided as to the nature of any residential amenity issues identified. Therefore, whilst options D1 and D4 might not be preferred by the appellant, the evidence provided does not demonstrate that they are not viable alternatives. Moreover, option D2 has been discounted solely from a coverage perspective, due to being situated further from the nominal location than the other options, but again it has not been demonstrated that option D2 is unviable either from an amenity or a coverage perspective.
12. Furthermore, the map provided by the appellant shows that the designated search area extends to part of the West Drayton Cemetery area, and minimal explanation has been given as to why sites within or close to that area, to the immediate north of the nominal, have not been considered.
13. In light of the above, I find that inadequate information has been provided to demonstrate that all possible options have been considered within the designated search area, and also that it has not been demonstrated that all the options presented are unviable. Consequently, on the evidence before me, I find that it has not been proven that less harmful alternative sites are not available. Whilst not determinative, I have had regard to Policy DMHB 21 of the Local Plan: Part 2. To the extent that they are relevant considerations within the terms of the GPDO, the proposal would conflict with its aims that, amongst other things, telecommunication development will only be permitted where it has been demonstrated that there is no possibility for use of alternative sites, mast sharing and the use of existing buildings. The proposal would also conflict with paragraph 117 of the Framework, referred to above.

Balance

14. Whilst reference has been made to various social and economic benefits, these have not been taken into account, as the prior approval considerations are limited only to matters of siting and appearance. Notwithstanding this, considering that paragraph 114 of the Framework provides that, amongst other things, planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G), and the extremely constrained nature of the cell search area, the need for a mast within the designated search area has been demonstrated.
15. However, the proposal would cause significant harm to the character and appearance of the area. It has also not been proven that less harmful alternative sites are not available. Accordingly, the harm is not outweighed by the need for the installation to be sited as proposed, taking into account my reasoning above with respect to the suggested alternatives.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR