



Appeal Decision

Site visit made on 28 February 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2022

Appeal Ref: APP/R5510/W/21/3285730

Judge Heath Lane, Hayes, London, UB3 1JP

- 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 Hutchison UK Ltd against London Borough of Hillingdon.
 - The application Ref 75731/APP/2021/1505, dated 9 April 2021, was refused by notice dated 2 June 2021.
 - The development proposed is Proposed 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Because this is an application for prior approval the provisions of the 2015 Order 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. This appeal will be determined on the same basis.

Main Issues

3. The main issues are the effect of the siting and appearance of the proposed installation on the monopole 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

4. The site is footway located outside a Hayes Amateur Boxing Club and opposite the junction to Beechwood Avenue. The local area is suburban residential in character consisting of older planned housing estates and more modern homes of Varcoe Gardens.
5. The proposed installation is an H3G LTE (Three) Phase 8 Monopole that has a site sharing agreement with EE. The appellant explains the need for a new mast is to deliver 5G technology to the local area.
6. Although the backdrop of the monopole would be onto a large building, its height is limited, and the monopole would be taller than this building. As a slender vertical structure positioned forward of this building, it would appear as a stark and standalone feature in this location.

7. There may be streetlamps positioned close to the site and other street poles. However, these features are considerably lower in height than the proposed monopole. In addition, it would not blend with the local trees due to its position and height. Even if the finished colour were conditioned, it would not camouflage the proposal to adequately blend into its environment.
8. In addition, it would be extensively visible from many directions due to the long and straight road layout of Judge Heath Lane as well as from Beechwood Avenue which would also afford public views from the south.
9. There may be no statutorily designated areas or features located close to the appeal site, and residential houses may not directly overlook it. Nonetheless, the proposal would amount to visually intrusive development, harmful to the character and appearance of the local area.

Other Considerations

10. The deployment of new 5G technology, the public, social and economic benefits of mobile connectivity are highlighted by the appellant. The necessity of digital technology is further stressed by them given the emphasis on home working, smart technology, mobile working, and the significance of the Coronavirus pandemic and post pandemic recovery.
11. Published Government statements and the objectives of the Framework to support and drive towards advanced digital connectivity has also been pointed to by the appellant.
12. The appellant places great emphasis on the height of the proposed monopole and ICNIRP guidelines, stating it is the lowest possible height to provide the necessary coverage within the local area and this has been reduced to overcome the Council's previous refusal for a taller mast. Whilst they comment that the proposed design is the least visually intrusive design solution. A lower height mast may compromise the deployment of the digital service, although this has not been evidenced on coverage maps to demonstrate this to be the case.
13. The Framework requires evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. There is nothing before me to contradict the appellant's explanation that site sharing is not a viable proposition.
14. The appellant undertook a small number of alternative sites within their site selection process. An identified constraint is the fact that the area is densely residential in character and the proximity to these receptors. I find no reason to disagree with the appellant that the other options close to residential dwellings may have a greater impact on their outlook, than the site presented.
15. Furthermore, I have no reason to disagree with the appellant in their findings that other sites have been discounted due to the width of pavements, or that locating equipment on this site put forward, would not impede footpath users.
16. However, when considering why Option 1 has been discounted by the appellant due to the constraints of underground services, there is no evidence before me that this has been adequately demonstrated. In addition, whilst they state that it would not result in additional telecommunications apparatus to the local area

at a future date, there is no evidence to substantiate their claim and I apply limited weight to this argument.

Other Matters

17. Pre-application advice may have been sought between the appellant and the Council may have provided no response. However, any complaints regarding the Council's service should be referred to them in the first instance.

Balance and Conclusion

18. The appellant states that the appeal site is the only viable option to site their equipment to provide the identified need for 5G service to the local area, and the resultant public benefits that would ensue to which they attract due weight.
19. I apportion significant weight to the harm I have explained would occur to the character and appearance of the local area by siting the monopole in the proposed location. Therefore, in light of only a small selection of alternative sites considered and my findings, none of these factors on balance, would outweigh the harm that would arise to the character and appearance of the local area.
20. For the reasons given above, I conclude that the appeal should be dismissed

Alison Scott

INSPECTOR