



Appeal Decision

Site visit made on 22 March 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/M5450/W/21/3282815

Uxbridge Road, Hatch End, London, HA5 4EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval 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 CK Hutchinson Networks (UK) Ltd against the decision of London Borough of Harrow.
 - The application Ref P/2529/21, dated 14 June 2021, was refused by notice dated 10 August 2021.
 - The development proposed is for a 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and 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 (as amended) for a 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Uxbridge Road, Hatch End, HA5 4EJ in accordance with the terms of the application Ref P/2529/21, dated 14 June 2021, and the plans submitted with it, including the drawings numbered: HRW16926_M002 B – 002B; 100B; 150B; 210B; 260B; 303B and 305B.

Preliminary Matters

2. Schedule 2, Part 16, Class A of the GPDO makes provision for the installation, of electronic communications equipment, subject to the prior approval process set out in paragraph A.3. This says the developer must apply to the Council for a determination of whether the prior approval of the authority will be required as to the siting and appearance of the development.
3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have therefore had regard to the policies of the development plan, any related guidance 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.
4. There is some disagreement between the parties as to whether the cabinets towards the base of the mast are subject to the prior approval or are simply permitted development. However, I have considered the cabinets as part of this appeal and this aspect of the proposal I also found to be acceptable. As such, there was no reason for me to determine as to whether the cabinets

housing the equipment actually needed consideration under the prior approval procedure or not.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area.

Reasons

Character and Appearance

6. The proposal is for a 15m mast on a footpath at the side of Uxbridge Road. The mast and the associated cabinets would be positioned adjacent to the boundary with the residential dwelling No 3 Anselm Road. Along this boundary is a line of thick trees/vegetation. There are also streetlights with some smaller items of street furniture close by.
7. This a busy highway along Uxbridge Road and the mast would be clearly visible within the street scene. The fact that it would be up against a line of trees with nearby streetlight columns would reduce its visual prominence within the street scene. Furthermore, this type of infrastructure is an increasingly common and widespread element of street furniture, and as such, is no longer as unusual or jarringly different as it once was. However, it would still be visible and also would be taller than the streetlight columns and the adjacent trees.
8. Notwithstanding the above mitigating factors, by reason of the siting and substantial height of the monopole, the development proposed would be an overly prominent feature which would be moderately harmful to the character and appearance of the surrounding area. As such, the proposal would not accord with Harrow Council policies DM1 and DM49 of the Local Plan (2013). These policies require that this type of development should minimise its impact upon the amenity of neighbouring occupiers and the appearance and character of the area, amongst other things.
9. With regards the cabinets, they are of a modest size and typically accompany a mast. On the wide section of pavement and within the wider street scene I would not consider these modest sized cabinets as having a significant cluttering effect or have any harm to the character and appearance of the area. The cabinets would not conflict with Harrow Council policies DM1 and DM49 of the Local Plan (2013).

Alternative Sites and Benefits

10. Applications for telecommunications development should be supported with the necessary evidence to justify the proposal in accordance with paragraph 117 of the Framework. The appellant has followed a sequential approach to site selection within this highly constrained cell search area. Firstly, being a 5G antenna it is apparent that using or sharing an existing mast is often not a possibility. A number of alternative sites have been considered but subsequently discounted for various reasons such as being too close to a listed building or due to potential harm to neighbour living conditions. The proposed site is also close to the 'nominal' which is the location where the mast should be sited at or close to, so it gives coverage and does not interfere with the adjoining telecoms sites

11. The Council have not suggested any alternative sites in detail and whilst there is only basic information of the discounted sites there is no substantive evidence that challenges the rationale used. I have no robust evidence before me to suggest that there would be other more suitable sites.
12. The lack of realistic alternative options to deliver improved coverage and capacity is a consideration which weighs strongly in favour of the development. Furthermore, I note the support in the Framework for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being (paragraph 114). I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced.
13. There have been some comments as to there not being a particular need for the 5G service, but overall, from the evidence before me and with the general support of the Framework, this would be an important service for the area the mast would provide a service for. Overall, I am satisfied that undertaking the proposed development is justified in order to achieve the economic and social benefits arising from the proposal.

Other Matters

14. Whilst the proposal would likely be visible from nearby residential properties, given its location, on a verge with existing trees, in an area with other street furniture and not immediately adjacent to any windows, I do not consider that it would have any overbearing effect on views from nearby residential properties, or any other significant effects to neighbour living conditions.
15. There have been concerns with regards such issues as the effects of the mast on highway safety and noise pollution, for example. However, there is no substantive evidence that the proposed mast would result in any significant harm relating to the issues raised by interested parties. There has been comment that there was no engagement from the appellant with local communities, but I have read and taken into full account all correspondence from interested parties with this appeal.
16. Some local residents have raised concerns about the health implications of telecommunications equipment. However, Paragraph 118 of the Framework states that local planning authorities should not set health safeguards different from the International Commission guidelines for public exposure to non-ionising radiation. Confirmation that the proposal would meet these guidelines was provided in this case and there are, on this basis, no health reasons for rejecting the scheme.

Conditions

17. The GPDO sets out standard conditions, which specify, for example, that the development must be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 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. Other than the standard conditions set out in the GPDO for

development by electronic communications code operators it is not necessary for me to impose any additional conditions beyond those.

Conclusion

18. I have found that the siting and appearance of the proposed mast would result in moderate harm to the character or appearance of the surrounding area, which does result in conflict with the aforementioned Local Plan policies. In this instance, having regard to the absence of more suitable alternative sites, the harm resulting from the siting and appearance of the proposal would be outweighed by the social and economic benefits provided by the improved coverage and capacity for the local community. For these reasons, I conclude that the appeal should be allowed and prior approval be granted.

Mr S Rennie

INSPECTOR