The Planning Inspectorate

Appeal Decision

Site visit made on 12 April 2022

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

an Inspector appointed by the Secretary of State

Decision date: 14 June 2022

Appeal Ref: APP/A5270/W/21/3278096
Victoria Road, Park Royal, London, NW10 6DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 the decision of London Borough of Ealing.
- The application Ref 213299OPDPNT, dated 8 April 2021, was refused by notice dated 10 June 2021.
- The development proposed is the installation of a 18m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.

Decision

1. The appeal is allowed and prior 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)(the GDPO) for the siting and appearance of a 18m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works at Victoria Road, London, NW10 6DJ in accordance with the terms of the application Ref 213299OPDPNT, dated 8 April 2021, and the plans submitted with it, including the drawings numbered: EAL11012_M002 002C; 100C; 150C; 210C; 260C; 303C; and 305C.

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 that 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. The description of development related to a 20m monopole. However, it is apparent that amended plans were submitted to the Council prior to determination and that this included an 18m monopole. These are the Revision C drawings I have considered with this appeal.

Main Issue

5. The main issue is the effect of the development siting on pedestrian/highway safety. There is no objection raised as to the appearance of the monopole and equipment within this setting, which I would agree with given its context.

Reasons

Pedestrian Safety

6. The proposed monopole mast would be positioned adjacent to the boundary of the footway and a commercial property. The mast base would project out from this boundary into the footway by approximately 1m. However, this is a wide section of public footpath and the plans show approximately 2.2m remaining between the telecoms equipment and the edge of the road/kerbside. This is sufficient for people to pass without undue issues, even if they had prams or wheelchairs for example.

7. The Council has stated that with a new HS2 station being developed opposite the site there will be an increase in pedestrian activity along Victoria Road. Furthermore, there is an intention by the Council to install cycle lanes along Victoria Road. The Council have suggested that the footpath to the side of the road where the mast is proposed would have to be narrowed to accommodate the cycle lanes, which is explained as being necessary. There is a suggestion that this may have to be by approximately 600mm. In any case, the footpath past the mast and associated cabinets would still be of a sufficient width for people to pass, and whilst narrow this would only be for a short distance. This is because the mast and cabinets would only occupy a short stretch of the side of the footpath. Even with increased pedestrian traffic on this footpath this short but narrow section would not result in likely pedestrian safety issues. I therefore also consider that there is no substantive reason before me why the cycle lanes could not coexist with the telecoms equipment.

8. The proposed site is near a tree, but as shown on the plans there appears sufficient space so there would not be pedestrian issues as a result of this. There is mention with the Council evidence of issues with relocating the bus stops, but I do not have substantive details as to why there would be a problem as a result of the proposals.

9. Overall, it is my view that the proposed telecoms equipment would not harm pedestrian safety or cycling provision/safety, nor result in any other form of highway hazard. The proposal is therefore in accordance with London Plan policies T4 and T5, which relate to addressing adverse transport impacts and to remove the barriers to cycling, amongst other things.

Alternative Sites

10. The proposal is accompanied by evidence that the appellant has undertaken the necessary sequential test and has given reason why other sites in the area have been discounted, for reasons such as being too far from the 'nominal' location and therefore less effective. The Council has not provided any detailed analysis that counters the appellant's conclusions on this matter. I have no clear reason to come to a conclusion that there are realistic alternatives to the proposed site.

11. 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 National Planning Policy 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.

12. Overall, on balance, I am satisfied that undertaking the proposed development is justified and acceptable in order to achieve the economic and social benefits arising from the proposal.

Conditions

13. The GPDO sets out standard conditions (such as those set out in Paragraphs A.3(9), A.3(11) and A.2(2) of the GPDO), 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, after considering all the evidence before me, including consultee comments with the initial application, I consider that it is not necessary for me to impose any additional conditions.

Conclusion

14. I have found that the proposal would not result in any material harm to pedestrian traffic or cycling infrastructure provision. Furthermore, the proposed telecoms equipment would result in social and economic benefits provided by the improved coverage and capacity for the local community and businesses. For these reasons, I conclude that the appeal should be allowed and prior approval be granted.

Mr S Rennie

INSPECTOR