



Appeal Decision

Site visit made on 6 June 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Appeal Ref: APP/R5510/W/22/3295614

Colham Roundabout, Colham Green, London UB8 3DR

- 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 CK Hutchison Networks (UK) Ltd against the decision of London Borough of Hillingdon.
 - The application Ref 76714/APP/2021/3283, dated 21 August 2021, was refused by notice dated 12 November 2021.
 - The development proposed is described as "Proposed 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 16, Class A, requires 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.

Main Issue

3. The main issue is the effect of the siting of the proposal and whether it preserves or enhances the character or appearance of the surrounding area and grade II listed registered park.

Reasons

4. The appeal site is grassed highway land with the proposal being directly adjacent to mature tree coverage and a roundabout. There are residential buildings to the north and Stockley Park to the south as well typical street furniture lining the adjacent highway including street lighting and road signs.
5. Stockley Park is a grade II listed registered park. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a registered park or its setting, to have special regard to the desirability of preserving the park or its setting or any features of special architectural or historic interest. Moreover, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the

impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. Stockley Park was listed in August 2020 with the listing indicating that its reasons for designation included historic and design interest stating that the overall site has a fully integrated design with the cellular business park contrasting well with the naturalistic and geometric forms of the golf course and public park.
7. The proposal would be significantly higher than existing features in the area and would appear out of keeping with structures such as nearby street lighting. The proposal would tower above the adjacent trees and buildings and given the style, size and height of the proposal, it would appear as an unusual feature that would dominate the street scene and have a detrimental effect on the visual setting of the surrounding area.
8. The urbanisation feel that the proposal emits, which significantly differs from other urban structures surrounding it given its scale and design, would be a stark contrast to the naturalistic environment of the adjacent registered park. The proposal would not preserve or enhance the special historic and design interests or the setting of the grade II listed registered park.
9. I note comments from the appellant that they would be comfortable for colouring of the proposal to be specified and the associated ancillary equipment cabinets are within permitted development requirements. The colour of the proposals and the equipment cabinets would not outweigh the harm that the mast has on the surrounding area due to its height and design. The proposed mast would be a discordant feature that would not relate well to existing features in the street scene and would visually jar with the appearance of the area.
10. Accordingly, the proposal would appear as an alien structure that would not preserve or enhance the character and appearance of the surrounding area and the setting of the grade II listed registered park. The proposal would be contrary to Policies HE1 and EM2 of the Hillingdon Local Plan: Part One – Strategic Policies (HLPSP), Policies DMHB 1, DMHB 8 and DMHB 21 of the Hillingdon Local Plan: Part Two – Development Management Policies (HLPDMP) and the Framework which seeks telecommunications to be sited and designed to minimise their visual impact and development adjacent to a registered park to respect its special character.

Other Matters

11. The Council have described that the appeal site lies at the northern edge of the Green Belt and subsequently the Council consider the proposal is contrary to Policy EM2 of the HLPSP, Policy DMEI 4 of the HLPDMP and Policy G2 of the London Plan. From the Green Belt map that has been submitted there is no definitive clarity as to whether the proposal would lie within the Green Belt and subsequently have any effect on the Green Belt. In addition, the Council have stated that the proposal would lie within a Nature Conservation Site of Borough Grade II or Local Importance. Similarly, the map presented by the Council does not provide any clarity as to whether the proposal would lie within this identified area. The Council's Officer Report and refusal reason also does not indicate what harm the proposal has on this identified area. The site is not in an area with a statutory designation for particular protection for its character

(e.g., Conservation Area or World Heritage Site, SSSI or National Park). These matters do not alter my findings above, the harm identified and the conflict with relevant development plan policies.

Planning Balance

12. The proposal would bring public benefits including 5G coverage that would provide an efficient and competitive telecommunications system for businesses and the community, that would directly contribute to the delivery of economic growth, in a sustainable way, as well as enhancing local facilities and services.
13. The appellant has submitted a sequential approach on site selection with eight sites identified and all discounted for various reasons including coverage, exposure, effects on trees, residential properties and access junctions. Insufficient information, including technical data and effects on surroundings, has been submitted to clearly demonstrate why these other sites were discounted and not appropriate as potential alternative sites. The majority of these alternative sites are also located to the north with a distinct lack of potential sites to south, east and west.
14. I have had regard to the appellants statement of case including the reduction in the height of the mast, reference to the Future Telecoms Infrastructure Review and the 'Letter to Chief Planning Officers: Planning for Growth'. These, however, do not alter my findings above with regards to the harm to the character and appearance of the surrounding area and setting of the registered park.
15. The proposal would result in public benefits to the area. However, from the evidence before me, I am not convinced that alternative options including sites south, east and west of the appeal site have been fully explored. The benefits and matters described above therefore do not outweigh the substantial harm that I attribute to the effects that the proposal would have on the character and appearance of the surrounding area and setting of the grade II registered park.

Conclusion

16. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
17. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR