



Appeal Decision

Site visit made on 9 August 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal Ref: APP/R5510/W/22/3299303

Charville Lane Estate, Charville Lane, Hillingdon, Greater London UB4 8PF X508602, Y182989

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison 3G (UK) Limited against the decision of London Borough of Hillingdon.
 - The application Ref 76859/APP/2021/4183, dated 12 November 2021, was refused by notice dated 30 December 2021.
 - The development proposed is the installation of an 18 metre high, monopole tower, associated radio-equipment cabinets including one that will wrap around the base of the mast, and ancillary development hitherto.
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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 based on 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 this does not require regard to be given to the development plan. I have had regard to those policies of the development plan provided by the Council, and the National Planning Policy Framework (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

5. The appeal site forms part of a long length of grassed verge on the south side of Charville Lane (the Lane). This part of the Lane is characterised by suburban housing on the north side and fields on the south side. The housing opposite the appeal site is set some distance away behind a bus stop, grassed landscaping strip and another section of road. This, along with the fields and boundary hedgerows, creates a distinctly wide-open environment with a pleasing character. The site is within the Green Belt, and, in this regard, the character of the area does generally reflect the broader Green Belt's open qualities.
6. The proposal would introduce a large vertical structure which would rise significantly above the nearby lampposts and the other vegetation along the hedge. The green cabinets would take up some ground coverage but would be set below the hedge height and would not appear unduly intrusive, assimilating with the hedge to a reasonable degree.
7. However, the height and variation in width of the tower would have a busy functional appearance. This would not be easy on the eye. Seen against the sky in this open setting, irrespective of its grey colour treatment, it would be a dominant feature that would draw the eye of passers-by. This would detract from the positive natural qualities of this part of the Lane to the detriment of the character and appearance of the area.
8. The appellant has provided details of other nearby street locations which were considered and discounted as alternative positions for the installation. Although I have no reason to question the appellants evidence regarding the need for improvements in the area, the extent of evidence before me regarding the sequential approach to site selection is limited.
9. There is no substantive mapping to assist an assessment such as the location of the alternatives, mapping defining the area of search or cell coverage. Moreover, the Framework states, at paragraph 117, that supporting evidence for a new mast or base station should include '*evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure*'. The appellant states that no mast/site sharing opportunities or existing buildings/structures were identified. However, no substantive evidence is before me to allow an assessment of this.
10. One of the alternative sites that was discounted is at the junction of Turner Close. This is said to have been discounted due to its proximity to another licensed operator. Yet there is no firm evidence before me regarding this other operator's mast and whether it had been considered and discounted for upgrading on a shared basis. Moreover, this mast lies near a school with a large flat roof and there are no firm details before me why this, or any other buildings have been discounted.
11. It might be that if no other sites were available then the appeal site would be the only way to deliver 5G services in the area. However, based on the information provided there is insufficient evidence that other possibilities have been adequately explored. As such, the harm I have identified is not outweighed by the need for the installation to be sited as proposed.

12. The government is committed to supporting the deployment of next-generation mobile infrastructure. This is generally reflected in both the Framework and the London Plan (2021). In this regard, whilst I acknowledge the references made to various social and economic benefits, they have not been taken into account when considering matters of siting and appearance. Moreover, the absence of any other harm does not alter the harm I have identified in the main issues.
13. To conclude, the siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the area. Moreover, it has not been demonstrated that this harm is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.
14. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR