



Appeal Decision

Site visit made on 5 December 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2023

Appeal Ref: APP/F5540/W/22/3298916

Osterley Road street works, Hounslow TW7 4PE

- 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 CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00843/C/COM1, dated 14 January 2022, was refused by notice dated 11 March 2022.
 - The development proposed is described as 'proposed 5G telecoms installation: H3G Phase 8 18m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
3. Nevertheless, Policies CC1, CC2, CC4 and EC2 of the London Borough of Hounslow Local Plan 2015-2030 Volume One are material considerations as they relate to issues of siting and appearance. In particular, they seek to support high quality urban architecture, to conserve and enhance the character and appearance of the area, conserve or enhance the significance of the borough's heritage assets and to avoid adverse impacts on the transport network. Similarly, the National Planning Policy Framework ('the Framework') is also a material consideration, and this includes a section on supporting high quality communications.

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, having regard to whether it would preserve or enhance the character or appearance of the Spring Grove Conservation Area (CA);
 - highway and pedestrian safety; 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

Character and Appearance

5. The appeal site lies at the junction of Osterley Road and The Grove, opposite a grassed open space area and outside the car park of Isleworth Crown Court. The Crown Court is a substantial flat roof three storey building, and I observed other three-four story buildings along this part of Osterley Road that are a mixture of traditional and more modern architecture, with a variety of uses. The Grove is characterised by traditional two storey residential properties. The surrounding area is therefore mixed in character and appearance.
6. The site is located within the Spring Grove CA. The Spring Grove CA Appraisal (2019)(CAA) sets out that the CA's primary special architectural and historic interest derives from an estate planned to be a grand Victorian suburb, located around the historic Spring Grove House. Whilst the immediate area is mixed character and appearance, the open space provided by what is identified by the CAA as an 'attractive triangular green' means that the appeal site has a positive impact upon the significance of the designated heritage asset.
7. The proposal would be of functional appearance, typical of telecommunications equipment seen in urban and suburban areas generally. There are streetlamps and other vertical lighting columns and street furniture, such as traffic signs nearby and there are trees planted along the footpath and within the car park to the rear.
8. However, whilst I recognise the height is required to clear surrounding clutter, the proposed monopole would be significantly taller than any of these existing vertical elements including the tree levels and the adjacent Crown Court building. Given its siting next to an open area and junction, it would appear unduly prominent from a number of viewpoints, including when approaching from Osterley Road, Harvard Road and both directions of The Grove. It would particularly detrimentally impact the views of the Grove, and its planned well-preserved and coherent townscape, when travelling down from Osterley Road. Whilst a slimline design, it would also have a thicker element at its top, drawing attention to its height. This visual impact would not be mitigated by painting the equipment and monopole any particular colour.
9. I therefore conclude that, given this prominence from several viewpoints, the siting and appearance of the development would have a significant harmful visual effect on the character and appearance of the local area. It would diminish the special interest and the significance of the CA as a whole. The mast would fail to preserve or enhance the CA and as such, the proposal would fail to meet the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
10. Given the localised impact of the development the harm it would cause to the significance of the CA is considered to be less than substantial. Having regard to the Framework, great weight should be given to a heritage asset's conservation. However, paragraph 202 of the Framework requires less than substantial harm to be weighed against the public benefits of the proposal.

11. The Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. There is a clear need for, and importance of, the rollout of the 5G network.
12. Paragraph 117c of the Framework requires evidence that the appellant has explored the possibility of erecting antennas on an existing building, mast or other structure. The requirement for the monopole and equipment within the immediate locality is clear as shown by the lack of 5G coverage in the area.
13. The proposal would upgrade the digital telecommunications network in the local coverage area by allowing for additional coverage and capacity, including the introduction of 5G technology to the area. The introduction of 5G technology would bring significant public benefits, contributing towards economic growth, social inclusion and well-being, with a key benefit for residents, businesses and visitors of the area being faster mobile download/upload speeds. This weighs significantly in favour of the proposal.
14. The Council does not dispute the appellant's assertion that opportunities for sharing have been investigated and exhausted and that there is an urgent requirement to install additional telecommunications equipment.
15. The appellant points to the residential character of the wider target area, and subsequent proximity to dwellings and narrow pavements. However, given the areas within the vicinity that would not sit adjacent to residential properties and the amount of existing street furniture that narrows pavements, I am not persuaded that there is not a reasonable availability of an alternative, less prominent location that would secure the required coverage within the target area.
16. Having regard to all of the above, there is not sufficient evidence before me to definitively rule out other sites and to conclude that the proposed development needs to be sited as proposed because the appeal site is the only feasible or least-worst option. In coming to this view, I have taken into account the constrained nature of the cell search area.
17. I recognise the public benefits of the proposal and the need for improved coverage in the locality, however, in this case, I have found that the siting and appearance of the proposed installation would lead to significant harm to the character and appearance of the area and would neither preserve nor enhance the character and appearance of the wider CA.
18. This harm would not be outweighed by the other material considerations of the identified need for the installation, or the alternative sites put forward.

Highway and pedestrian safety

19. The existing street furniture, including traffic signs, lampposts, railings and street trees, already impact pedestrian movement and result in a narrow pavement width near the appeal site. The siting of the proposal next to a widening of the pavement means that the space for pedestrians is comparable to the existing width of the pavement nearby due to these existing obstacles.

20. As such there would still be sufficient space between the existing street furniture and the scheme due to the width of the pavement at this point. Therefore, the installation would not compromise the ease or safety of use of the pavement for pedestrians or other users of the footway.
21. As the development would be sited on a junction, vehicles would not be directly passing it at high speed and any restriction in visibility at eye level would be minor. Therefore, the risk of collision from any direction is limited.
22. Accordingly, the siting and appearance of the proposal would not have an unacceptable effect on highway and pedestrian safety.

Other Matters

23. I acknowledge that concerns have been raised about potential effects on health and issues regarding Public Sector Equalities Duty. As I am dismissing this appeal for other reasons, there is no need for me to discuss these matters further.

Conclusion

24. Although I have found that the scheme would be acceptable in terms of highway and pedestrian safety, it would have a harmful effect upon the character and appearance of the area and would neither preserve nor enhance the CA. The harm I have identified is not outweighed by the benefits of the scheme or the need for the installation to be sited as proposed.
25. For the reasons given above, I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR