
Appeal Decision

Site visit made on 18 April 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/A5270/W/22/3300743

Ruislip Road, Greenford, London UB6 9QW

- 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 Hutchinson Networks (UK) Ltd against the decision of the Council of the London Borough of Ealing.
 - The application Ref 220293PNT, dated 19 January 2022, was refused by notice dated 18 March 2022.
 - The development proposed is the installation of a 16.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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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 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.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan only insofar as they are a material consideration relevant to matters of siting and appearance.

Procedural Matters

4. The application form, supporting documents and Council's decision notice all refer to a 16.0m monopole, whereas I note a 15.0m monopole is referenced within the appeal form, appeal statement and submitted plans. It is clear that the application was considered on the basis of a 16.0m monopole, and so I shall do the same.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation, 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 alternative sites.

Reasons

Siting and appearance

6. The appeal site comprises a small area of pavement positioned adjacent to Ruislip Road and Ravenor Park. The surrounding area is predominantly made up of two-storey residential properties.
7. The proposed installation would include a monopole, together with a series of associated equipment cabinets at its base. The prominent location of the installation, together with its overall height, is such that it would be highly visible from the surrounding public realm, including from within Ravenor Park, and from a reasonably high number of nearby properties.
8. Although I accept that the site has no landscape or heritage designation, and that there have been no objections from landscape experts, this part of Ruislip Road forms one of only a few breaks in the otherwise relentless urban character of the road, providing a pleasant and verdant gap between buildings. I also accept that existing street furniture along Ruislip Road is visible, including street lighting and bus stops. However, these are of a relatively limited height compared with the proposed installation, and are typical of an urban street scene. The proposed installation, irrespective of its slimline design and whether of 15.0m or 16.0m high, would be appreciably higher than those features, appearing visually intrusive and dominant in the street scene.
9. The mature trees that exist along the road and within Ravenor Park would screen, to some limited extent, the installation from the east approach and form a backdrop from the west. However, these trees are generally deciduous, further reducing coverage during winter months. Ultimately, a substantial extent of the monopole would be viewed against the skyline. This would form a jarring and incongruous feature in this location. The proposed base cabinets would be of an appearance, size and position that would have only a limited visual impact on the street scene. Nevertheless, this would not overcome the harm identified above.
10. I recognise the importance of good, fast, reliable and cost-effective communications. Moreover, there is no basis to question that the equipment is necessary to achieve the required standard of network coverage, which is referred to as highly constrained. I also note the support in the National Planning Policy Framework (the Framework) for high quality communications, and that this is considered essential for economic growth and social well-being. However, I must balance these public benefits against the requirement for equipment to be appropriately sited. I have concluded above that the proposed installation would be harmful to character and appearance, and I do not consider that harm to be outweighed by the support in the Framework for high quality communications.
11. Overall, I conclude that the proposed installation would have a harmful effect on the character and appearance of the area. Insofar as they are material considerations, the proposed installation would be contrary to the relevant provisions of Policies 7B and 7.4 of the Ealing Development Management Development Plan Document (2013). These policies, when taken as a whole, seek to deliver high quality design in development that has a positive visual impact. This is in a similar vein to paragraph 130(c) of the Framework, which

seeks to ensure that developments are sympathetic to local character.

Availability of alternative locations

12. Paragraph 117 of the Framework requires that applications for telecommunications development, including prior approval should be supported by necessary evidence to justify the proposal. This should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
13. The appellant has set out 8 discounted alternative locations for a mast and associated apparatus. These were discounted for various reasons, including in some cases 'residential amenity' issues and proximity to existing cells. One site is dismissed due to a food truck being situated there at the time of the survey.
14. There is limited information before me in respect of each of those locations. Although some alternative sites put forward appear to have been discounted for legitimate reasons, I have no substantive evidence before me which convincingly demonstrates that the appellant has properly explored all other potentially available, and less harmful, alternative options.

Other Matters

15. Whilst I acknowledge that the appellant sought to undertake pre-application consultation, with no response received from local members or officers, this process would not predetermine the outcome of a subsequent application. I also note the appellant's contention that the proposed installation would not impact on the free flow of pedestrians along the pavement. However, this matter is not in dispute between the Council and appellant and I have no reason to disagree with those findings.

Conclusion

16. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A Price

INSPECTOR