



Appeal Decision

Site visit made on 1 August 2023

by **S Leonard BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 August 2023

Appeal Ref: APP/A5270/W/22/3309049

SW on A40 Slip Road, North Side of Target Roundabout, Northolt, Middlesex UB5 5DE

- 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 Cornerstone against the decision of the Council of the London Borough of Ealing.
 - The application Ref 221956PNT, dated 6 May 2022, was refused by notice dated 30 June 2022.
 - The development proposed is installation of 1 No.20m high streetworks style monopole supporting 6No.antennas together with 2No.equipment cabinets and ancillary apparatus thereto.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The *National Planning Policy Framework 2021* (the Framework) supports high quality communications infrastructure and requires that local planning authorities must determine applications on planning grounds only. In accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), and subject to any relevant exception, limitation or condition specified therein, development by, or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network, is permitted development. Therefore, matters such as the need for, or benefits of, the development are not at issue in this appeal.
3. The provisions of the GPDO, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) and (7) 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.
4. The provisions of Schedule 2, Part 16, Class A do not require regard be had to the development plan. I have had regard to the policies of the development plan and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.
5. The appellant has advised that the cabinets do not require prior approval. This is not a matter for me to determine in the context of an appeal made under

section 78 of the Town and Country Planning Act 1990. I have determined the appeal on the basis of the scheme before me, which was the subject of the Prior Approval application and includes freestanding cabinets positioned near the proposed monopole.

6. The appellant has submitted revised drawings and an updated Arboricultural Method Statement and Tree Protection Plan¹ (the Tree Report) as part of its appeal submission. These documents principally relate to an updated reflection of the height of the trees at the time of the appeal submission and do not change the substance of the proposed development that was considered by the Council. With this in mind, and given that the Council and other interested parties have had the opportunity to comment on these revisions, having regard to the "Wheatcroft" principles², I am satisfied that the Council and interested parties would not be prejudiced by my consideration of them. Accordingly, I have taken them into account in my determination of the appeal.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposal upon the character and appearance of the area, and whether any harm caused would be outweighed by the need to site the installation in the location proposed, having regard to the potential availability of alternative sites.

Reasons

8. The appeal site is located within a grassed and treed highway verge which runs along the north side of an A40 Western Avenue slip road leading to the Target Roundabout, which is located southeast of the site. The Council has confirmed that, for Development Plan policy purposes, the site falls within a designated Green Belt (Western Avenue Parkway) and Green Corridor (Western Avenue – A40).
9. The site lies in a part of the verge which is elevated in relation to the main A40 carriageway and where eastbound vehicles on the slip road slow down or stop on the approach to the traffic lighted roundabout. Moreover, a public footpath/cycleway runs alongside the slip road at this point, with a nearby subway entrance to pass under the roundabout. As such, the site occupies a highly visible location to users of the above public thoroughfares, including drivers, cyclists and pedestrians.
10. A large proportion of the highway verge is occupied by dense shrubbery and trees, including mature specimens, so that it comprises a linear soft-landscaped green 'buffer' between the northern side of the busy A40 and its associated slip roads to and from the Target Roundabout, and the built urban development of Northolt, to the north, which includes residential properties in Harewood Avenue and mixed residential and commercial uses in Church Road and Church Avenue.
11. Building heights within the site vicinity are typically of a residential scale, including predominantly single storey dwellings in the part of Harewood Avenue to the north of the appeal site, with some pockets of three storey development along Church Road.

¹ Ref Simon Pryce Arboriculture Ref 21/097 dated 7 January 2022

² Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37

12. There are a number of lighting columns, road signs, traffic lights and pole-mounted CCTV cameras alongside the slip road close to the appeal site. The highest lampposts are approximately 10m in height, and others have a height of approximately 5.5m. The existing lighting comprises thinly-profiled and well-spaced structures with a slim, lightweight appearance. Other nearby structures, including various traffic road signs, traffic control lights and metal railing fencing, are typical of those found at a roadside environment and are functionally designed and low in height. As such, they sit comfortably within the townscape and do not appear incongruous, nor unduly visually prominent within their roadside setting or in comparison with the height of the surrounding built development.
13. The proposal would introduce a new 20m high monopole mast in a position within the grass verge where there are no existing built vertical structures. Two equipment cabinets would be sited close to the base of the pole. The proposal is intended to provide continued and enhanced local mobile connectivity through the provision of new Fifth Generation (5G) and enhanced 2G, 3G and 4G services, as part of the Operator's national network.
14. The new equipment would be sited where it would be visually prominent within the prevailing townscape, adjacent to the public footpath and cycleway of a busy highway and roundabout junction intersection and close to a number of residential properties.
15. There are no existing telecommunications installations within the grass verge within the immediate vicinity of the appeal site. The nearest similar structure is an existing monopole mast sited at Church Road, to the north of the roundabout, which the appellant proposes to remove, following the integration of the appeal proposal into the network. That structure is notably lower than the appeal proposal, and having a height of approximately 12.5m, is more akin to nearby lamp columns, and fits more comfortably within its more built-up surroundings than the appeal proposal. As such, its proposed removal would not effectively mitigate or justify the introduction of the appeal proposal, having regard to the impact upon the townscape.
16. The proposal would introduce a discordant form of development into this area as a result of its commercial nature and its visually intrusive design in relation to its surroundings. Although exhibiting a vertical monopole design, which would be slimmer than some alternative designs for telecommunications equipment, the proposal would have a notably more visually dominant presence in views from the public realm than the existing street lighting and road sign and structures. This is due to a combination of its significantly greater height, at almost twice the height of the highest nearby street lighting columns, and its greater pole width. Moreover, the head frame and antennas at the top of the supporting pole would add a distinctly bulky element to the top of the structure which would further draw the eye towards it.
17. A degree of screening of the proposal would be provided by the existing highway verge trees located close to the position of the proposed monopole, the nearest of which range in height from between approximately 7m and 16m. However, these would, in the main, only block views of part of the mast from the built development to the north of the site, and even in those views the monopole structure would project at least 4m above the highest tree canopy.

18. I am satisfied that the proposed tree works, including the cutting down of the tops of trees within an 8m radius of the pole to a 12.47m height, would not significantly alter the amount of tree screening to the proposal, given the small number of trees affected, and noting that only one tree is currently over this height. However, thinner leaf foliage of the deciduous trees during winter months would render the proposal more highly visible in the public realm during that part of the year, particularly from the nearby residential properties.
19. As a consequence, the pleasant, verdant landscaped setting of this part of the highway edge and setting to the nearby residential development would be detrimentally eroded by the proposed installation of a structure which would appear out of context with the prevailing street scene.
20. For the above reasons, I therefore conclude that the siting and appearance of the proposal would significantly harm the character and appearance of the area. In so far as they provide advice and are a material consideration in respect of siting and appearance, the development would conflict with Policies D4 and D8 of *The London Plan* (2021), Policy 5.3 of the *Ealing Development (Core) Strategy* (2012) and Policies 7B and 7.4 of the *Ealing Development Management Development Plan Document* (2013). These policies, amongst other things, seek to ensure that new development has a positive visual impact, respects and strengthens the visual character of built areas, ensures a well-designed and attractive public realm, and protects and enhances the network of Green Corridors.
21. For similar reasons, the proposal would also be contrary to Policies of the Framework which seek to secure high quality design, as set out in Chapter 12, and support high quality communications, subject to electronic communication equipment on new sites being sympathetically designed and camouflaged where appropriate, as set out in Chapter 10.

Other Matters

22. I acknowledge that the Council no longer objects to the proposal on the grounds of highway safety, thereby overcoming one of its concerns in relation to a previously refused application³ for the appeal scheme. However, whilst I have no reason to disagree with the Council in respect of the matter of highway safety, based on the evidence before me and my site inspection, this does not overcome or justify the harm I have identified in respect of the impact of the proposal on the character and appearance of the area.
23. I have been referred to a number of allowed appeals by the appellant⁴. Full details, other than the decision letters have not been provided to me within the evidence, and on the basis of the information provided, I am not persuaded that the scheme designs, layouts and spatial relationship to their surroundings are directly comparable with the current appeal proposal. Moreover, the balance between public benefits and harm to the character and appearance of the area is a matter for judgement given the particular circumstances of each proposal, and I have determined the current appeal on its own merits, taking into account the site-specific factors.

³ Ref 212237PNT – refused 19 May 2021

⁴ APP/L1765/W/18/3197522, APP/R5510/W/21/3269903, APP/C3430/W/22/3291191, APP/J4423/W/17/3188962, APP/Z5060/W/21/3279350, APP/Z4310/W/21/3279372 and APP/K2610/W/21/3280694

24. The appellant has drawn my attention to an approval⁵ for a similar telecommunications structure on the opposite side of the roundabout. Due to the distance between the two sites and intervening land level differences and roundabout infrastructure, that structure is not perceived as forming part of the immediate townscape within which the current appeal structure would be viewed.
25. Moreover, I find that there are notable differences between that scheme, which was the subject of a planning application rather than a prior approval application, and the current appeal scheme, including the replacement nature of that scheme and its positioning in relation to the nearby highway, highway verge and closest residential properties. The latter of which are notably further away from the monopole than is the case with the appeal proposal. As such, the approval of that scheme does not justify allowing the appeal scheme, which I must determine on the basis of the particular circumstances and prior approval details before me.

Planning Balance and Conclusion

26. There would be economic and social benefits arising from proposed improvements to the existing telecommunications infrastructure to cater for the roll out of 5G technology and improved site coverage. As such, the appeal scheme would be consistent with the Framework's recognition of the importance of high-quality communications to economic growth and social well-being.
27. I have no reason to doubt that the scheme would deliver tangible improvements to communication networks in the area identified by the appellant, which includes an urban residential area, interspersed with commercial, educational and recreational facilities and services, noting that call and data traffic is potentially higher in densely developed urban areas and acknowledging the evidence that supports an increase in mobile data consumption and rising significance of mobile connectivity since the Covid-19 pandemic.
28. Moreover, the Framework indicates that the need for electronic communication systems should not be questioned when determining development schemes.
29. I also accept that the position of the newly proposed equipment would need to complement the existing network so as to promote continuous network cover. As a result, the search area that was identified for the purposes of site selection was necessarily constrained in size in order for the equipment to be located close to the area which requires coverage.
30. The appellant states that a sequential approach was taken to site selection, and that, following a detailed search of the area, there is no other viable or available alternative location for the proposal, including existing masts, structures or rooftops that could accommodate the development, having regard to the identified local demand and the existing gap in existing network coverage. I have been provided with information in respect of 11 alternative locations that were considered and discounted as part of the appellant's site selection process.

⁵ Ref 193695FUL granted October 2019

31. However, even accepting that the geographical extent of the area of search is necessarily restricted by operational constraints, I find that information has been provided in respect of a low number of potential alternative sites, and that a number of these are close to residential properties. Moreover, the level of detail as to why each of these sites have been discounted is brief, with some being dismissed on the basis of the appellant's stated preference for the appeal site.
32. Moreover, in those cases where the presence of underground services is considered to be a prohibitive factor, no detailed analysis of the precise nature and location of the services and how they act as a constraint, has been provided. This includes in relation to the site of the existing installation on Church Road, which is already established as a telecommunications site.
33. As such, I find that detailed supporting information to fully corroborate that an exhaustive search of all possible sites was undertaken, and that potential alternatives were discounted on reasonable grounds, is not before me. For example, possible alternative locations in the vicinity of the A40 or adjacent to the highway within the built-up mixed commercial and residential area around Church Road, would appear not to have been comprehensively assessed.
34. I acknowledge that efforts have been taken to position the monopole away from potentially sensitive receptors, such as residential properties, and in proximity to existing planting to achieve partial screening. However, it has not been clearly substantiated that it would be impractical to follow a similar approach elsewhere within (or near to) the designated search area whilst avoiding, or substantially reducing, the specific significant adverse effects that I have identified.
35. There would be benefits arising from the development outlined above. However, and notwithstanding the recent changes to the GPDO⁶ in respect of height allowance on highways land, the siting and appearance of the monopole would result in significant harm to the character and appearance of the area, with consequent conflict with the development plan and the environmental objectives of the Framework, which attracts significant weight against the scheme. While options for siting the development are limited by technical and operational constraints, and the appellant states that alternative locations have been fully assessed, having regard to the evidence before me in respect of other sites, it is not demonstrated that other more suitable and less harmful sites for the development do not exist, and this weighs against the proposal.
36. Consequently, based upon the evidence before me in this case, the harm from its siting and appearance would not be outweighed by the benefits of this development.
37. For the reasons set out above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR

⁶ Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015