



Appeal Decision

Site visit made on 24 October 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal Ref: APP/F5540/W/23/3319490

Southall Lane street works, Southall Lane, London UB2 5NA

- 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 Mr Gallivan (CK Hutchison Networks (UK) Limited) against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01032/S/PA1, dated 6 January 2023, was refused by notice dated 1 March 2023.
 - The development proposed is 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address on the application form identifies the city as Manchester. It is clear from the evidence before me that the appeal site is in London. I have therefore amended the address above accordingly.
3. 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, 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.
4. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
5. Nevertheless, Policies EC2 and EC4 of the Hounslow Local Plan (HLP) are material considerations as they relate to issues of siting. In particular, they expect development proposals to avoid adverse impacts on the transport network and surrounding environment; and to demonstrate the possibility of using existing telecommunications installations or associated buildings has been explored. 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

6. The Council is satisfied with the appearance of the proposed development. I concur. Therefore, the main issues are in relation to the siting of the proposal, in particular:
- the effect of the siting of the proposed installation on highway 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

Highway safety

7. The proposed installation would be sited at the edge of an existing pedestrian footway running along Southall Lane, close to a bus stop. The Council has plans to remodel this section of the highway to create a cycle lane and cycle bypass around the bus stop. I understand the remodelling work is scheduled to start either late this year or early 2024, and I have been provided with no substantiated evidence it will not be forthcoming.
8. The Council's plans show the section of footway nearest to the bus stop is to become a shared-use pedestrian and cycle path, forming a connection between the new two-way cycle lane and cycle bypass. According to Department of Transport guidance on Cycle Infrastructure Design (Local Transport Note 1/20 July 2020), the shared-use footway needs to be at least 3 metres wide to reduce conflicts between cyclists and pedestrians.
9. The proposed installation would be sited on the new stretch of shared-use footway and would reduce its width to approximately 2.15 metres. This width would be insufficient to accommodate both pedestrians and cyclists safely. It would also create a pinch-point where northbound cyclists make the transition from the dedicated two-way cycle lane to the shared-use footway, which would further increase the risk of conflict between the two transport modes. At busy times, pedestrians may need to move onto the carriageway to avoid cyclists, which could be dangerous.
10. I accept the proposed equipment has been reduced in size and scale as far as technically possible for this location, and that it would be designed for use on pavements and verges in urban locations. I also acknowledge that, in selecting the site, the appellant has sought to minimise the visual impact of the proposal on both the street scene and the outlook of nearby residents. However, these considerations do not outweigh the harm I have found.
11. For the above reasons, I conclude the siting of the proposed installation would have a harmful effect on highway safety.

Alternative sites

12. The proposed installation is necessary to provide new 5G coverage in a densely populated area.
13. Given the harm I have found to highway safety, the other options that might be available are an important consideration. In addition, paragraph 117 of the

Framework requires that, for a new mast, evidence be provided that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

14. I accept the cell search area is limited to meet a very specific technical requirement. The appellant states they did not identify any mast/site sharing opportunities or suitable existing buildings/structures in the search area. However, there is little evidence before me about which masts/sites and buildings/structures have been considered and the reasons they would not be viable options.
15. The supporting information refers to several alternative options for the development of a free-standing mast and cabinets at ground level. Reasons given for discounting these include unsuitable pavements or grass verges, visibility splay issues, location in a residential area and lack of viability. Nevertheless, the reasons given are brief and unsupported by sufficient evidence to show why they would be less suitable or would not be viable.
16. Therefore, in the absence of clear and persuasive evidence about the reasons alternative options have been discounted, I am unable to establish whether more suitable sites might reasonably be available. Consequently, I am not satisfied that suitable alternatives have been properly explored, nor that the requirements of paragraph 117 of the Framework have been fully met.

Conclusion

17. In summary, I have found the siting of the proposed installation would have a harmful effect on highway safety. Given suitable alternatives have not been properly explored, this harm is not outweighed by the need for the installation to be sited as proposed. Insofar as they are material considerations, the proposal would also be contrary to Policies EC2 and EC4 of the HLP; and to paragraph 111 of the Framework, which states development should be refused on highways ground if there would be an unacceptable impact on highway safety.
18. For these reasons, I find the siting of the proposed development to be unacceptable.

Other Matters

19. I recognise there are considerable social and economic benefits associated with the delivery of improved communications networks. Indeed, as set out at paragraph 114 of the Framework, advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Nevertheless, such benefits have not been taken into account in considering the matter of siting.
20. A previous appeal decision has been brought to my attention (reference APP/A5840/W/20/3254830). There is little evidence before me to suggest the appeal site in that case was on or near a footway shared by pedestrians and cyclists. Therefore, it has not been demonstrated to my satisfaction that the circumstances in that appeal are sufficiently closely related to be comparable.

Conclusion

21. For the reasons given above, I conclude the appeal should be dismissed.

C Carpenter

INSPECTOR