



Appeal Decision

Site visit made on 13 November 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/A5270/W/23/3323324

Tentelow Lane Street Works, Tentelow Lane, Southall UB2 4LW

- 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 Ealing.
- The application Ref 230522PNT, dated 8 February 2023, was refused by notice dated 4 April 2023.
- The development proposed is described as 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.

Decision

1. The appeal is dismissed.

Procedural 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 Council 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 there is no requirement to have regard to the development plan as there would be for a development requiring planning permission. Nevertheless, Policies D4, D8 and G3 of the London Plan (2021) (LP) and Policies 2.18, 7.4 and 7B of the Development Management Development Plan Document (2013) (DMDPD) are material considerations as they relate to issues of siting and appearance. The National Planning Policy Framework (the Framework) is also a material consideration and includes policies for supporting high quality communications.

Main Issue

4. The main issue is 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 is located on Tentelow Lane on the edge of an area of grassed open space with mature trees. The surrounding area comprises two storey dwellings and on the other side of the road are the playing fields and buildings

associated with sports clubs. Beyond this is open grassed land designated as Metropolitan Open Land (MOL). The surrounding area has a verdant character owing to the area of open space, trees, playing fields and the MOL.

6. The proposed mast would be erected at the perimeter of the open space, occupying a small footprint. Vertical elements nearby include existing street furniture comprising street lights, road signs and telegraph poles. As well as the trees adjacent to the appeal site, there is also linear tree planting along Tentelow Lane on the opposite side to the appeal site.
7. The appeal scheme has been designed with urban, roadside locations in mind and would not affect the free flow of pedestrians. I also note that the proposed mast has been reduced in height from a previous application and is said to be the minimum height necessary to achieve the required service levels. However, at 15 metres to the top of the tower, the proposal would be significantly taller than the existing street lights, which are the tallest items of street furniture at present. Moreover, the proposed mast would have a noticeable projection above the nearby trees.
8. The installation would also be in a particularly exposed position, on the outer edge of the open space. Despite the nearby trees, the entire mast and cabinets would be clearly visible in views along Tentelow Lane, as well as the footpaths adjacent to this long straight road. The mast would be appreciably wider than the existing street furniture and despite its simplistic design would be a utilitarian structure. In views along Tentelow Lane the mast would appear jarring against the trees which provide a soft backdrop to the proposal. The appeal scheme would therefore be starkly incongruous and would contrast with the verdant qualities of the locality, detracting from the streetscape and views out of the MOL.
9. The appellant suggests that the installation could be coloured to minimise its appearance. However, given the site's prominent location, and the proposal's height and design, this would not resolve the visual effect of the proposal. While I note that the proposal meets guidelines for non-ionising radiation protection and the site is not subject to heritage or other policy constraints, the mast would nevertheless be a visually intrusive feature. The visual intrusion would furthermore be experienced by significant numbers of local residents as they move between the residential area, playing fields and MOL beyond.
10. For the above reasons, the siting and appearance of the proposal would be harmful to the character and appearance of the area. Accordingly, insofar as they are a material consideration, the proposal would be in conflict with Policies D4, D8 and G3 of the LP and Policies 2.18, 7.4 and 7B of the DMDPD. Amongst other things, these policies require development to deliver good design and an attractive public realm, that complements the existing scale of the surroundings and does not compromise the visual openness and views across areas of open and green spaces, including MOL.
11. Paragraph 114 of the Framework outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should also support the expansion of electronic communications networks. The scheme is required to improve digital wireless mobile coverage through a 5G service, and the appellant has demonstrated that there is a need to bring a high speed service in this area where an increase in demand has arisen through home working. I also

acknowledge the numerous economic and social benefits resulting from a 5G network. The proposal, therefore, has clear public benefits.

12. In line with Paragraph 117 of the Framework, the appellant has set out the sequential approach in relation to suitable alternative sites for the proposed development. Site sharing is said to have been investigated and exhausted and the cell search area for the required new installation is constrained due to the operational requirements. Alternative locations for the siting of the proposal within the search area are assessed and have been discounted by the appellant for reasons including proximity to dwellings and narrow pavements.
13. However, the information provided is limited and no substantive evidence has been provided demonstrating why these alternative sites are unsuitable. Moreover, there are areas within the search area where no evidence has been provided that alternative sites have been assessed and in these intervening areas, I observed locations where there are wide footpaths. Therefore, based on the evidence before me, I am not satisfied that a robust review of the availability of alternative sites for the appeal scheme have been properly explored, in line with the provisions of Section 10 of the Framework. Consequently, it has not been demonstrated that the appeal site represents the only viable option.

Planning Balance and Conclusion

14. I acknowledge that the appellant has demonstrated a requirement to upgrade the network to provide improved coverage and capacity, most notably in relation to 5G services.
15. The Framework supports the expansion of electronic communications networks, including next generation mobile technology and there would be important social and economic benefits from the proposed development which weigh in favour of the appeal. However, I afford significant weight to the harm to the character and appearance of the area arising from the siting and appearance of the proposed development. Given my above findings, the availability of less harmful alternative sites has not been properly explored and, therefore, the need for the development in this location does not outweigh the harm.
16. For the reasons given, and having regard to all relevant matters raised, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR