The Planning Inspectorate

Appeal Decision

Site visit made on 27 February 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/A5270/W/23/3323344
Park Royal Street Works, Park Royal, Ealing, NW10 7RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Gallivan CK Hutchison Networks (UK) Limited against the decision of the Council of the London Borough of Ealing.
- The application Ref is 230037OPDPNT.
- The development is proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address provided on the original application form in the banner heading above, which was also used on the Council's decision notice.

3. The provisions of the GDPO 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. A revised Framework was published in December 2023. Those parts of the Framework most relevant to this appeal have not been materially amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.

Main Issues

5. The main issue is the effect of the siting and appearance of the development on the character and appearance of the area, nearby Metropolitan Open Land and whether it would preserve the setting of the nearby Grade II Listed Buildings[1] 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.

[1] Historic England List Entry: Church of St Mary 1079450; Twyford Abbey 1079383; and Garden Wall to north of Twyford Abbey 1189519.

Reasons

Character and appearance

6. The proposed telecoms installation would be located on the edge of the footway on the northern side of Twyford Abbey Road. It would be positioned in front of a relatively high hedge which forms the site boundary to industrial development. Two-storey residential development almost opposite the site is positioned around a small central landscaped island on Moyne Place, which provides a pleasant sense of place, and contributes to the verdant appearance of the area to the west. This is a positive attribute to the character and appearance of the more intimate character of this residential area which is located within a wider setting of industrial and urban infrastructure.

7. Paragraph 119 of the Framework states that where new sites are required equipment should be sympathetically designed and camouflaged where appropriate. The proposal would introduce a 20 metre high slimline street pole with additional equipment cabinets, all of which would be finished in grey. It is noted this is the lowest height required here.

8. The street pole would be sited within a mixed urban area next to a road and forms part of a footpath. It would be seen in the context of lower streetlights and bus stops. There are also trees and commercial buildings nearby. Whilst there are residential properties close to the site, the development would not be sited directly in front of these.

9. The installation would introduce a substantial and dominant feature to the street scene. The industrial building immediately to the north of the appeal site are two storey with a large, but shallow roof. However, it is set back behind a substantial hedge and therefore well screened and seen as relatively low scale development. The proposed street pole would be much taller than this building. It would also significantly exceed the height of the existing street furniture and residential development nearby.

10. The nearby trees are not particularly close to the development to offer screening. The hedge does not provide any substantial mitigation, due to its much lower height and the utilitarian installation would tower over this softer landscape feature. The street pole would appear to stand in relative isolation, and therefore would be obvious in views taken in both directions along Twyford Abbey Road and from the direction of Moyne Place. In certain viewpoints, particularly towards the west it would be a visually alien and intrusive focal point, diminishing the positive attributes of the residential area on Moyne Place and to the west. The slim line nature, and colour of the street pole would not mitigate its height and appearance here. It would therefore harm the character and appearance of the area.

11. Nearby Grade II listed buildings include St Marys Church, Twyford Abbey and a wall within the grounds of Twyford Abbey alongside Heritage and Metropolitan Open Land. The listed buildings are located some distance to the north west of the appeal site, separated by the surrounding grounds, residential development, roads and West Twyford Primary School. Whilst they all have their own particular features of interest and significance taking into account the Historic England list descriptions, the significance of the heritage assets is derived from their grouping alongside their architectural and historic interest.

12. I have a duty under Section S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have had regard to paragraph 205 of the Framework which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

13. Based on my observations and the evidence before me, due to the height of the installation there would the upper parts of proposed street pole could be visible from the listed building, but not of the equipment cabinets, given their scale and location. Given the nature and height of intervening and nearby industrial buildings, dwellings, school and the relative enclosure and separation of the heritage assets from the appeal site the siting and appearance would not register as an imposing presence on these. The development would have a neutral effect on the setting of the listed buildings and not result in harm to their significance as a designated heritage asset, nor to the Heritage Land and openness of the MOL. I find this, even giving considerable importance and weight to the desirability of conserving heritage assets.

14. The site is not within a conservation area, or subject to other land use constraints. Notwithstanding the above and my views on the effect on designated heritage assets and MOL, overall the proposal siting and appearance would not minimise the effect of the proposal and would cause significant harm to the character and appearance of the area. As such and insofar as it is material to the consideration of siting and appearance the harm would conflict with paragraph 135 of the Framework which requires development to be sympathetic to local character.

Alternative Sites

15. The need for the installation has been accepted by virtue of the legislation and is not at issue. The Framework in chapter 10 is clearly supportive of such proposals. However, I have found that the proposed siting and appearance would result in considerable harm to the character and appearance of the area. It is therefore necessary to consider whether other options for siting the equipment may be available, which might have a lesser visual impact.

16. The appellant contends that Ealing Local Plan recognises the importance of reliable and efficient digital communications to help meet the needs of businesses and communities, enabling business users to efficiently work wherever they are located. Additionally, they advise the Council is supportive of high-quality communications infrastructure as it is essential for sustainable economic growth.

17. It is also recognised that the Government is committed to promoting technology and recognises the importance of telecommunications to the wider economy. Paragraph 118 of the Framework states that advanced high quality and reliable communications infrastructure is essential for economic growth and social well-being, and increased demand particularly following the pandemic. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). The appellant also refers to a letter from the Department for Digital, Culture, Media and Sport of 27 August 2020 urging local authorities to speed up digital infrastructure roll out.

18. However, paragraph 121 of the Framework requires applications to be supported by the necessary evidence to justify the proposed development and indicates that this should include for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

19. The appellant indicates that 5G cell areas are very constrained, and having examined the Mast Data register no mast sharing opportunities were available. Although the search may have been undertaken in accordance with the advice contained within the Framework, I have not been provided with an assessment of the alternative buildings, or other structures that were considered as part of this exercise, or the reasons as to why they were ruled out.

20. The site search for alternative locations considers four discounted sites. Although the discussion on alternative sites is brief, I can appreciate the reasons given for the discounted sites to be a reasonable conclusions. However, within close proximity to the site, and the 100 m radius of the search area there are other locations where there are existing taller and industrial buildings, particularly on Elveden Road and Rainsford Road.

21. Overall, from the available evidence it has not been established that a robust search was undertaken. Nor am I of the view, taking into account the Council's advice that there may be more appropriate sites to the east of the site, that suitable alternatives sites for the installation do not exist. This limits the public benefit of the proposal since I cannot be sure the benefits as outlined could not be realised by development elsewhere.

Other Matters

22. The absence of objection from nearby residents and consultees counts neither for nor against the proposal. The appellant undertook pre-consultation with the Council and Ward Members However this is not a reason to allow an installation which would be harmful.

Planning Balance and Conclusion

23. Notwithstanding the need to upgrade the network and assist the governments aspirations along with the associated benefits, which are significant I conclude the extent of the harm that would arise from the siting of the development would not be outweighed by the need for the installation to be sited as proposed.

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

K Williams

INSPECTOR