



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Hutchinson 3G UK LTD

Proposal:

Proposed 15.0m Phase 8 Monopole C/W wrapround cabinet at base, 3 cabinets and associated ancillary works (General Permitted Development) Order 2015 for determination as to whether prior approval is required for siting and appearance

Appeal Site:

SW Adjacent junction Pump Lane/Silverdale Road
Trinity Trading Estate
Hayes
UB3 3LP

Our Ref:
Your Ref:

76044/APP/2020/3862
APP/R5510/W/3271454

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal of prior approval application 76044/APP/2020/3862.
- 1.2 The LPA refused the application on 12.03.2021 for the following reason (as stated on the decision notice):
 1. The proposed development, by reason of the quantity, size, scale and siting of the equipment cabinets, would introduce urban clutter to the footway and otherwise attractive landscape feature which would be detrimental to the character, appearance and visual amenities of the street scene and the wider area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHB 21 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (2020).
 2. The application has failed to demonstrate that the development will safeguard existing trees on/adjacent to the site and further fails to safeguard the long-term future of trees of merit in the public realm. The proposal is therefore detrimental to the visual amenity of the street scene and the wider area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12, DMHB 14 and DMHB 21 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (2020).
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1 and 1.1. Copies of relevant policies are in Appendix 2, Copies of relevant legislation are in Appendix 3, and a list of recommended conditions (should the inspector be minded to allow this appeal) are in Appendix 4.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 In paragraphs 2,6, 3.10, 4.1.8 to 4.1.16, 5.1.3 of the appellant's statement of case it is argued that the scheme will benefit the public by giving them improved telecommunications reception and coverage, which will in turn also benefit the economy. Whilst these perceived benefits may be true, they are irrelevant to the determination of this prior approval application. Article 3, Schedule 2, Part 16, paragraph A.3(4) of the General Permitted Development Order 2015 (as amended) clearly states that 'Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to

whether the prior approval of the authority will be required as to the siting and appearance of the development' (see Appendix 4). Taking into consideration the above, the siting and appearance of the development are the only matters to be considered in the determination of this appeal. All mentioned and perceived benefits should therefore not be taken into consideration.

- 2.2 Further to the above, In Section 1 of the appellants statement of case (introduction) and section 5 (conclusion and planning balance) it is argued that the benefits of the scheme outweigh its negatives. Paragraph 5.1.3 states 'on balance, we consider any perceived impact on amenity or character the site may have will be outweighed by the considerable positive benefits that telecommunications bring to the economy and community (as evidenced in the Government-published Future Telecoms Infrastructure Review)'. Article 3, Schedule 2, Part 16, paragraph A.3(4) of the General Permitted Development Order 2015 (as amended) clearly states that 'Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development' (see Appendix 4). Taking into consideration the above, the siting and appearance of the development are the only matters to be considered in the determination of this appeal. The planning balance and the appellant's conclusion that the benefits of the scheme outweigh its negatives is therefore irrelevant to the determination of this appeal. In any respect, for the reasons discussed below and in the officers delegated report, it is the Council's position that the significant harm caused by the siting and appearance of the development would outweigh any public benefit.
- 2.3 The appellant argues that the 15m metre high monopole would not be detrimental to the area's character due to its positioning next to objects of similar size (trees and lampposts). The lamppost closest to the site (shown on the appeal plans) is less than half the height of the proposed monopole, nor is it as thick. Therefore the existing lamppost is unlikely to obscure, or aid in integrating the much larger proposed monopole. Furthermore (and as argued in the officer's report) the proposed development is considered to lead to eventual loss of the nearby tree (approximate 10m high category B lime tree). If the tree were lost (which is more than likely) then nothing nearby would aid in visually integrating the proposed monopole to the area, especially as the monopole is also much taller than the nearest building (PHS Group). Taking into consideration the above, the site's surroundings are not considered to justify the addition of this obtrusive and oversized monopole into the area. The siting and appearance of the proposed development is therefore unacceptable.
- 2.4 It should also be noted that Plan No '210 PROPOSED H3G SITE PLAN' depicts the existing area as being cluttered by existing street objects and telecoms equipment. However, most of the items indicated on the plans are flush to the ground (BT chambers) and therefore have no impact on the area's character and appearance. On the contrary the 3x cabinets and cabinet at the base of the monopole (proposed in this appeal) would extend up from the ground and are individually larger than the single existing BT cabinet which exists in the location. These would therefore have more of an effect on the area's appearance. As such it is considered that due to the amount of cabinets, their size and position on a relatively open and clear pavement next to an oversized monopole, the proposal would have an adverse impact on the area's appearance.

3. Other Matters

- 3.1 It should be noted that The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) has been updated since the application was determined. This appeal statement has been assessed against the legislation in place at the time of the determination.

4. Conclusion

- 4.1 For the reasons set out in the delegated report, the decision notice and this statement, it is considered that the proposed development would be detrimental to the character, appearance and visual amenities of the street scene and the wider area. The development's siting and appearance is therefore considered to be unacceptable warranting refusal of the original prior approval application and the dismissal of this appeal.
- 4.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 4.

Appendices

Appendix 1 – Planning Officer's Delegated Report

Appendix 1.1 – Section 5 of the officers Delegated report – Consultation responses

Appendix 2 – Copies of Relevant Planning Policies

Appendix 3 – General Permitted Development Order 2015 (as amended).
Relevant section Article 3, Schedule 2, Part 16

Appendix 4 – The LPA's Recommended Conditions