



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Hutchinson UK LTD

Proposal:
Proposed 15m Phase 8 Monopole C/W wraparound cabinet at base, 3 equipment cabinets and associated ancillary works (Application under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for determination as to whether prior approval is required for siting and appearance)

Appeal Site:
Land at Judge Heath Lane, Hayes, UB3 1JP

Our Ref:
Your Ref:

75731/APP/2021/1505
APP/R5510/W/21/3285730

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 to grant prior approval.
- 1.2 The LPA refused planning permission on 02.06.2021 for the following reason (as stated on the decision notice):
 1. The proposed development, by reason of the siting in this open prominent position, size, scale and design of the proposed monopole and the size, scale and siting of the equipment cabinets, would create an obtrusive form of development which would add visual clutter to the detriment of the character, appearance and visual amenities of the street scene. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and the National Planning Policy Framework (February 2019).
- 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. A copy of the updated NPPF is included in Appendix 2, updated planning legislation is included at Appendix 3 and a list of recommended conditions, should the inspector be minded to allow this appeal are included 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 Within their statement of case the appellant has raised the following summarised points:
 - The proposal is a revised version of a previously refused scheme for a 18m pole. The 3m reduction proposed under this scheme is considered to make the proposal visually acceptable
 - The proposal has been sited next to other tall street furniture (trees and lampposts) and would therefore not be harmful to the visual amenities of the area
 - Mobile connectivity. is essential to society and can help with financial security, achieving employment, health improvements and more. The proposed development would help in improving mobile connectivity
 - The proposal would provide public benefits which would outweigh its perceived impact on the character and appearance of the area harm
 - The proposed telecommunications monopole and ancillary infrastructure would not, by virtue of its design, be detrimental to the free flow of pedestrians and existing levels of visual amenity would be maintained

- The proposal is in accordance with the NPPF and Policies BE1, DMHB11, DMHB12, and DMHB21 of the Development Plan
 - If the appeal is granted, we are happy to accept a condition regarding the external colours of the equipment
- 2.2 As mentioned above, the appellant argues that the 15m metre high monopole would not be detrimental to the area's character due to its positioning next to trees and lampposts. The lamppost closest to the site (shown on the appeal plans) is 7m smaller (in height) than the proposed monopole and much thinner. The closest tree is 6m smaller and also thinner. Therefore, the existing lamppost and tree are unlikely to obscure, or aid in integrating the much larger proposed monopole. It is also worth noting that the proposed monopole is approximately 7m higher than Hayes Amateur Boxing Club (nearest building). 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.
- 2.3 It should also be noted that appeal 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, CATV chambers, water covers) 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.
- 2.4 The appellant argues that any perceived harm would be outweighed by public benefits. It is worth noting that these are perceived benefits. No evidence has been submitted to suggest that the public benefits outlined in the appellants appeal statement will arise from the granting of this development. Furthermore, for the reasons discussed above 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 not be outweighed by any public benefit.
- 2.5 The previous proposal for telecommunications equipment at the development site was refused (App No.75731/APP/2020/2220 – referenced in Appendix 1) and is materially different to the scheme subject of this appeal. That scheme is therefore not considered to provide any weight in favour of this development, nor is it considered to be a material planning consideration of note.

3. Other Matters

- 3.1 The Officers delegated report (Appendix 1) references the 2018 and 2019 National Planning Policy Framework. The NPPF has been updated since then (Appendix 2). The new NPPF places greater emphasis on achieving good design and development which sympathetically integrates with the character and appearance of existing environments (paragraph 130 of Appendix 2). The updated NPPF is therefore

considered to provide further weight against this development, as it would harm the character and appearance of the area for the reasons outlined in Appendix 1 and this statement.

- 3.2 It should also be noted that The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) has been updated since the application was determined (Appendix 3). 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. Any perceived benefits are not considered to outweigh the harm identified to the visual amenities of the 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 2 – Copy of updated NPPF

Appendix 3 - Copy of updated Legislation

Appendix 4 – The LPA's Recommended Conditions

Appendix 4 - Recommended Conditions

For the reasons set out in this appeal statement, the decision notice and the officers' delegated report, the Inspector is respectfully requested to dismiss the appeal. In the event that the Inspector is minded to allow the appeal, the Council ask that the following conditions be considered for inclusion on any planning permission:

- a) Prior to the installation or construction of all telecommunications equipment associated with the development, details of the colour(s) and external finishes of all equipment shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the character and appearance of the area is preserved in line with policies DMHB 12, DMHB 11 and DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Paragraph 130 of the National Planning Policy Framework (2021).