



Appeal Decision

Site visit made on 9 August 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2022

Appeal Ref: APP/R5510/W/22/3300756

Bath Road, Harmondsworth, London TW6 2RR

- 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 GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 77119/APP/2022/744, dated 6 March 2022, was refused by notice dated 28 April 2022.
 - The development proposed is a 16.0m Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the GPDO for the siting and appearance of a 16.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works at Bath Road, Harmondsworth, London TW6 2RR in accordance with the terms of the application, Ref 77119/APP/2022/744, dated 6 March 2022, and the plans submitted with it.

Preliminary Matters

2. The provisions under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO requires 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, having regard to the policies of the development plan and the National Planning Policy Framework only in so far as they are a material consideration relevant to the matters of siting and appearance.

Main Issue

3. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, with particular regard to trees.

Reasons

4. The proposal relates to a 16 metre high monopole mast and associated equipment cabinets which would be sited between two trees within the grass verge on the south side of Bath Road, close to its junction with Newport Road.
5. This part of Bath Road is characterised by hotels, office buildings, car parks and transport infrastructure surrounding Heathrow Airport. Street lights are spaced

regularly along both sides of the carriageway and there is also a plethora of lighting columns within the nearby car parks which further influence the character of the area. There does not appear to be any dispute that the proposed installation could be comfortably absorbed into this context. Rather, it is the potential effect on the nearby trees to which the Council's refusal reason is specifically directed.

6. I acknowledge that the proposal has not been accompanied by any form of tree survey or impact assessment. However, I have no evidence to suggest that such information is necessary in this case. None of the consultee comments before me have raised concerns in this regard. Nor does the Council's officer report, refusal reason, or appeal statement provide elaboration of its concerns on this matter.
7. The drawings show that the installation would be positioned centrally between the trees, with the mast itself at least 5 metres from the base of the nearest tree. During my site visit, I observed that the trees were modest in size with limited spread, particularly the tree nearest to the site of the proposed mast. Having regard to the separation distances and the nature of the construction works involved, I consider it very unlikely that the installation would interfere with the canopies or root protection areas of those nearby trees. Thus, and in the absence of any substantive evidence to the contrary, I have no reasonable basis to believe that the installation would be prejudicial to the health and long term retention of any trees.
8. Given the above, I conclude that the siting and appearance of the proposal would not unacceptably harm the character and appearance of the area, with particular regard to trees. Whilst not determinative, in this respect the proposal complies with the tree and landscape protection aims of Policy DMHB14 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020).

Conditions

9. I have noted the conditions suggested by the Council. However, any planning permission granted for development under Article 3(1) and Schedule 2, Part 16, Class A is subject to the conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

10. For the reasons given, I conclude that the appeal should succeed and prior approval should be granted.

A Caines

INSPECTOR