



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
CK Hutchison Networks

Proposal:
Proposed 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works (Application under Class A, Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for determination as to whether prior approval is required for siting and appearance)

Appeal Site:
Bath Road
Harmondsworth
TW6 2RR

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 for : Proposed 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works (Application under Class A, Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for determination as to whether prior approval is required for siting and appearance)
- 1.2 The LPA refused prior approval on 28-04-2022 for the following reason (as stated on the decision notice):
 1. The applicant has failed to demonstrate, through the submission of an appropriate tree survey and/or supporting information relating to trees, that the siting of development would not result in the loss of, or harm to, street trees of special amenity value all contrary to Policy DMHB 14 of the Hillingdon Local Plan Part Two (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. It is understood that a copy of the Officer's Delegated Report has been sent to PINS with the Appeal Questionnaire.
- 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 The Council considers that the assessment of the documents originally submitted as part of the Prior Approval application have been addressed in the Planning Officer's Delegated Report.
- 2.2 The appellant has failed to demonstrate that the erection of a monopole in the location proposed would not result in the loss or harm to street trees in the immediate vicinity.
- 2.3 The appellant considers that the location would be appropriate, however has not justified this robustly with supporting evidence, in the form of a tree survey to demonstrate that there would be no adverse impact on the nearby trees.
- 2.4 It should be noted that the appellant has made reference to the slimmer design of the monopole, reducing visual bulk within the street setting, however this would not address the concerns of the LPA, given that this would not demonstrate an absence of harm at root level.
- 2.5 When considering whether siting is appropriate, consideration must be given not only to the visual context of the structure itself, but to the impact of the existing prominent

features in the vicinity, which in this instance would be the attractive mature trees facilitating an important visual screening and softening of the character and appearance of the wider area, particularly in the vicinity of Heathrow Airport.

- 2.3 Whilst the need for enhanced telecommunications on a National scale is appreciated, the role of the LPA was to make an assessment of the siting and appearance of the development. In this instance, it was considered that the submission did not provide the level of evidence required to demonstrate an absence of harm to the existing character of the attractive grass verge.

3. Conclusion

- 3.1 In lieu of robust evidence to demonstrate there the existing mature trees would not be adversely impacted through the erection of the proposed works, the Inspector is respectfully asked to dismiss the appeal.

The LPA's Recommended Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2. Any apparatus or structure provided in accordance with this permission shall be removed from the land, as soon as reasonably practicable after it is no longer required for electronic communications purposes, and such land, shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing with the Local Planning Authority.

REASON

To ensure that the development is removed as soon as it is no longer required in order to protect the character and appearance of the area in accordance with Policies DMHB 11 and DMHB 21 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).