



Appeal Decision

Site visit made on 23 July 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2024

Appeal Ref: APP/R5510/W/23/3332513

SHB Vehicle Hire, Thorney Mill Road, West Drayton, Greater London UB7 7EZ

- 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 Cornerstone against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 18227/APP/2023/780.
 - The development proposed is the installation of 1 no. 18m lattice tower supporting 6 no. antennas, 1 no. 200mm dish, 1 no. 300mm dish, 1 no. 600mm dish, the installation of 3 no. cabinets and 1 no meter cabinet, and ancillary works thereto, all within a 1.8m high chainlink fence.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of 1 no. 18m lattice tower supporting 6 no. antennas, 1 no. 200mm dish, 1 no. 300mm dish, 1 no. 600mm dish, the installation of 3 no. cabinets and 1 no meter cabinet, and ancillary works thereto, all within a 1.8m high chainlink fence at SHB Vehicle Hire, Thorney Mill Road, West Drayton, Greater London UB7 7EZ in accordance with the application 18227/APP/2023/780 and the details submitted with it including Plan No's: 100 A Site Location Maps; 200 B Existing Site Plan; 201 D Proposed Site Plan; 300 B Existing Site Elevation and 301 D Proposed Site Elevation, pursuant to Article 3(1) and Schedule 2, Part 16, Class A.

Preliminary Matters

2. The appellant submitted photomontages with the appeal. These were not seen by the Council or the Highway Authority during the course of the application. However, the Council and other interested parties have since had the opportunity to comment on the photomontages and the appellant's supporting documents at appeal. As the photomontages do not change the substance of the proposed development that was considered by the Council, the Council and interested parties would not be prejudiced by my consideration of them.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.

Planning Policy

4. Part 16 of the GPDO establishes that the installation of any electronic communications apparatus by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in accordance with the electronic communications code is permitted development and therefore is accepted in principle by virtue of the legislation. Furthermore, in these circumstances, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
5. Nevertheless, Policies BE1 and EM2 of the Hillingdon Local Plan: Part One- Strategic Policies 2012 (HLP Part 1), Policies DMEI 4, DMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part 2 – Development Management Policies 2020 (HLP Part 2) and Policy D3 of The London Plan 2021 (the London Plan) are material considerations as they relate to issues of siting and appearance. Together these policies set criteria to manage development within the context of the openness of the Green Belt, achieve development that harmonises with the local surrounding area and for new telecommunications apparatus to be sited and designed to minimise their visual impact. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications which are sensitively designed.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area 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.

Reasons

Character and appearance

7. The appeal site is located within the confines of a vehicle hire depot. Set well back from Thorney Mill Road, behind industrial land and buildings to the south and west in an area comprising dense tall mature trees, most of the 18m lattice tower would be screened from public views and be located in a discrete location close to residential properties. However, the uppermost sections would be visible above trees and against the sky.
8. The appellant has set out that such development needs to be sited in reasonably close proximity to the community it is designed to serve. The proposal seeks to install apparatus to enhance 2G, 3G, and 4G services and introduce new 5G services. The overall height of the development would exceed the height of the trees and commercial buildings but has been designed to meet operational requirements at the lowest height. The appearance of the top of the antenna supporting six antenna and three dishes, would be bulky, and in combination with an existing nearby mast to the northwest would result in additional clutter and there would be a small loss of openness as a result.

9. However, the extensive mature tree coverage in the area, varied landform and nearby buildings would limit the overall visibility of the mast and overall would screen most of the extent of the development from passers-by. Furthermore there are areas of hardstanding, large industrial buildings and tall infrastructure such as lighting columns and the aforementioned telecommunications mast to the north of the appeal site. The development would be seen in the context of these elements as opposed to being within an open and expansive landscape from Thorney Mill Road. As such, although the appeal site is slightly detached and isolated from buildings, I am not convinced that it would appear unduly incongruous or dominant despite its prominence above the trees.
10. Although there would be some harm to the character and appearance of the area, the extent of harm would be very limited given the surrounding context. In this respect there would be conflict with Policies BE1 and EM2 of the HLP Part 1, Policies DMEI 4, DMHB 11, DMHB 12 and DMHB 21 of the HLP Part 2 and Policy D3 of The London Plan, whose provisions I have referred to above. There would be some conflict with the requirements within paragraph 119 Framework which advises that electronic communications equipment on new sites should be sympathetically designed.

Alternative Sites

11. The need for the installation has been accepted by virtue of the legislation and is not at issue, furthermore it is supported by the Framework at paragraph 118. However, I have found that the proposed siting and appearance would result in some 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.
12. Paragraph 119 of the Framework also identifies that proposals should be supported by the necessary evidence to justify the proposed development including exploring alternative locations. Ten locations have been considered. This includes one mast share, which it has not been possible to use or obtain agreement. The search also includes four rooftop locations. These have been discounted due to effect on the special interests of the Grade II* Listed Building at Fray's Cottage Old Mill House¹. Other buildings at the Anglers Retreat Court, SHB vehicle hire and Asheville Aggregates were either unsuitable roof forms and all too low to provide the requisite coverage. One location within the pavement was discounted due to the narrow widths of the footway. The remaining four sites were unsuitable due to various factors including flood risk, future redevelopment plans, distance from the search area and proximity to caravan site occupiers.
13. The Council has not disputed the reasons for discounting the sites, nor has it sought to provide further clarification in relation to possible alternative sites. It was apparent during my site visit that the discounted sites were in close proximity to the appeal site and well as to residential properties. From my own observations during my site visit, I did not identify any obvious alternatives when visiting the area. To my mind, the appellant has satisfactorily demonstrated that the alternative sites are more constrained than the appeal site.

¹ List Entry: 1181607

14. Although I note no pre-application fee was provided to the Council, the appellant has undertaken consultation with relevant organisations. A certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) has also been provided.
15. The proposed development would conflict with Policies within the HLP Part 1, HLP Part 2 and the London Plan. However, in this particular instance, taking all the above into consideration, I conclude that taken together, significant weight can be afforded to important public benefits in terms of enhanced digital communications networks of the proposed development, which would outweigh the limited harm to the character and appearance of the area which indicates that development should be allowed.

Conditions

16. Development permitted under the GPDO, is subject to the standard conditions, set out within it, which include a time limit for implementation, a requirement that development is carried out in accordance with the submitted details, and a requirement that the equipment is removed when it is no longer required for electronic communications purposes.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

K Williams

INSPECTOR