



Appeal Decision

Site Visit made on 7 September 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/R5510/W/21/3271454

Pump Lane, Hayes, London, UB3 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Hutchison 3G UK Ltd against the decision of London Borough of Hillingdon.
 - The application Ref 76044/APP/2020/3862, dated 18 November 2020, was refused by notice dated 12 March 2021.
 - The development proposed is telecommunications installation: Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of it do not require regard to be had to the development plan. I have had regard to the policies of the development plan and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.
3. Following the refusal of the application the new National Planning Policy Framework 2021 (Framework) has been published. There have been no fundamental changes relevant to the main issue in this appeal and so no injustice has been caused to any of the appeal parties by my taking this into account in my decision.
4. The proposed cabinets are shown on the submitted plans and included in the description of development. Therefore, I have considered them as part of the appeal scheme.

Main Issue

5. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

6. There is variety in terms of the scale and appearance of the commercial and industrial buildings along Pump Lane. Despite this, the frequent mature and tall street trees, along with landscaping in front of buildings, softens the

streetscene near the appeal site giving it a verdant appearance. These features also aid in screening the built form, in part, in longer views along the road.

7. There are vertical features such as street lighting within and close to the footway. There are also a number of bollards, cabinets and other low level functional features within the footway near the site. As such, while the pole would be taller, and cabinets larger and more closely grouped, than many of these existing features, the presence of manmade utilitarian features is not unusual. However, such features are predominantly screened, other than in close range views, by the mature street trees and other vegetation that contribute positively to the character and appearance of the street.
8. There is a mature tree in very close proximity to the proposed development which currently, as with most nearby trees, has a large canopy. The Arboricultural Impact Assessment (AIA) indicates the tree to be of moderate quality, in a good condition and of middle age with a long remaining contribution.
9. There may be better rooting space in the soft verge. Nonetheless, a large part of the monopole and base cabinet would require excavation within the root protection area of this tree that is already constrained by the surrounding hard surfaces and utilities. The AIA outlines that pruning would be needed to accommodate the proposal to give clearance for lifting operations and installation of the mast without any obstruction by branches. While branch growth over the cabinets is possible, the AIA also suggests that future pruning may be required as the tree increases in size. These works would truncate the canopy of the tree and have potential implications for roots.
10. Given the limited separation between the tree and the development, uncertainty over the effect of the groundworks on the root system along with initial and longer-term pruning, there would be potential for the tree to be damaged and ultimately lost.
11. The loss or distorting of the tree would erode the aesthetically pleasing influence it has on the streetscene. This would result in more of the pole and cabinets being exposed and prominent in both long and short distance views along this relatively straight part of Pump Lane. It would create more open views of the existing built form that the tree in its current form helps to screen.
12. Therefore, for the reasons set out above, due to its siting and appearance, the proposed development would have a significant harmful effect upon the character and appearance of the area. Therefore, insofar as they are a material consideration, the scheme would fail to accord with the design aims of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies and Policies DMHB11, DMHB12, DMHB14 and DMHB 21 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies.

Planning Balance

13. The proposal would support the delivery of an upgrade of the existing mobile/digital telecommunications equipment to accommodate 5G services. This would bring benefits to businesses, services and residents. There has also been increased demand and use of such services during the COVID-19 restrictions.

14. The Framework sets out that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being, as well as that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). This attracts moderate weight.
15. Alternative locations in the area have been ruled out for reasons relating to ownership, signal, residential amenity and highways considerations. However, I have limited information on the nature or extent of the issues identified or how these conclusions were reached. I also do not have detailed plans of these other sites. Therefore, it has not been demonstrated that these would be more harmful than the appeal scheme and this attracts limited weight.
16. That no unacceptable harm to living conditions, health or highways matters has been identified are neutral factors and do not weigh in favour of the scheme.
17. While conditioning the colour of the proposal has been suggested, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. In any event, this would not overcome the concerns with the scheme.
18. I appreciate that the proposed development has been amended to overcome the issues raised in the previously refused application and that pre-application advice was sought. However, I have identified significant harm to the character and appearance of the area.
19. Consequently, on the basis of the information available to me it has not been demonstrated that the harm to the character and appearance of the area from the scheme is outweighed by the need to site the installation in this location and other benefits even when taken cumulatively.

Conclusion

20. I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR