



Appeal Decision

Site visit made on 20 December 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2022

Appeal Ref: APP/R5510/W/21/3281152

Grass verge on Swakeleys Road, Ickenham, Uxbridge UB10 8DP

- 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 MBNL on behalf of Hutchinson 3G UK against the decision of the London Borough of Hillingdon.
 - The application Ref 76204/APP/2021/555, dated 5 February 2021, was refused by notice dated 30 March 2021.
 - The development proposed is The installation of a new 20m monopole supporting 6 no. antennas with a wrap around equipment cabinet at the base of the column, installation of 4 no. new equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the local area.

Reasons

3. The appeal follows a decision by the Council not to give their approval for the siting or external appearance of a development that would otherwise be permitted under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) (as amended). The permission granted under the GPDO is, with consideration of the proposed development, only limited to its siting and appearance, not the principle of the development.
4. The licensed operator Hutchison UK Limited (H3G LTE), proposes to erect a 20m high street works monopole to accommodate both operators EE and H3G LTE who have a site sharing agreement. This would provide improved technical coverage and capacity, specifically in relation to the new 5G digital coverage to the local target area. The site has been identified as it meets specific technical and operational requirements.
5. The proposal would replace an existing slimline monopole around 27m northeast of the appeal site that they state would be decommissioned once the new apparatus is fully functioning.

6. The proposal would be experienced within a suburban context within this predominantly residential area. There may be streetlamps and other vertical lighting columns and street furniture seen locally, although none of these are of a comparable height or design to the appeal proposal. Indeed, most street effects are considerably lower in height. Furthermore, these structures are well assimilated into the street scene and are typical and recognisable structures.
7. There is mature planting evident within the surrounding area and close to the appeal site. The proposed monopole would however rise above the heights of the adjacent tree belt. Despite the tree coverage, the addition of a tall, unshrouded monopole in this undeveloped corner location would not be sufficiently screened from view from both short and longer distance public views along the public footpath and main roads. This is even with the curve of the road and local road network layouts, and despite the fact that it is a heavily trafficked transport route. Irrespective that the appellant states it would be finished grey in colour, it would appear incongruous in this location as an uncharacteristically high and stark feature that would not successfully blend into its environment.
8. There may be no public seats for people to rest upon on this land, or other features to encourage people to congregate. Nonetheless, the lack of which would not negate the fact that this is a verdant and visually pleasant area of public open space. It contributes positively to the character and appearance of the local area.
9. The National Planning Policy Framework (the Framework) places an emphasis on the requirement for new electronic equipment to be sympathetically designed and camouflaged where appropriate. Overall, this proposal would not meet the objectives of good design.
10. The circumstances of the existing adjacent apparatus are not before me to comment upon. However, it is experienced in the context of a backdrop of trees and other street lighting columns of similar heights that allow the existing monopole to blend into its surroundings. It is approximately 11m in height, significantly lower than the proposal with a shrouded headframe. This existing monopole is not directly comparable in design or height. Furthermore, it has been on site for some time and has therefore been assimilated into the street scene.
11. Although the existing monopole and its cabinets would be removed, overall, the proposed monopole here would appear as an alien, standalone and visually obtrusive feature in this location. It would detract from the pleasant leafy environment and would adversely harm the character and appearance of the local area.
12. Therefore, to conclude on this main issue, the proposal development would not assimilate into its environment and would lead to significant visual intrusion to the locale and therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012 and Policies DMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020 in their design objectives for development to achieve well designed places of quality.

Other Considerations

13. The appellant argues in favour of the proposed equipment as they explain the need to provide targeted coverage within the area including improved coverage for 2G, 3G and 4G technologies. The deployment of advanced 5G technology, the public, social and economic benefits of mobile connectivity, and boosting the UK's productivity and the importance of the technology industry are highlighted by the appellant. The necessity of digital technology is further stressed given the emphasis on home working, and the significance of the Coronavirus pandemic, as well as the contribution of technology to emergency services providers. It has been brought to my attention that EE would become the Emergency Services Network Provider.
14. Published Government statements and the objectives of the Framework and the London Plan 2021 to support and drive towards advanced digital connectivity has also been pointed to by the appellant. They include information on streetworks monopoles in support of 5G.
15. The appellant places great emphasis on the height of the proposed monopole stating it is the lowest possible height to provide the necessary coverage within the local area. They also provide supporting information that masts may need to be positioned 'above the tree line' to make them as effective as possible. However, whilst this may be a site constraint, no evidence of the effect of such on the target area has been presented to demonstrate there is requirement for the monopole to be this particular height. Furthermore, prior approval was refused for a monopole approximately 19m in height, adjacent to the site. At this lower height, it met the appellant's operational requirements.
16. The Framework also requires evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. The appellant undertook a very small number of alternative site considerations within their site selection. This included a site that was recently refused prior approval by the Council. Also, no substantive information on alternative locations close to residential dwellings, that has been discounted by the appellant, therefore I am unable to comment on these, as well as the matters of tree root implications.
17. Even though there is an existing mast close to the site, does not lead me to share the appellant's view that this demonstrates there are no existing suitable buildings in the local area to accommodate the appellant's equipment. In addition, they do not substantiate their comments as to why flat roofed buildings cannot accommodate their equipment.
18. Although broad details of the appearance of a different lattice structure have been provided with the appeal, this information is by itself limited to allow me further consideration.
19. The appellant may have overcome a previous reason for refusal regarding site constraints and the effect of the monopole on damage to adjacent trees, by locating it in this proposed position. However, that is not a sufficient reason to allow the proposal before me.
20. I have taken into account that the proposal would meet ICNIRP guidelines. There is however no evidence to substantiate their claim that the apparatus would provide 'reliable communications infrastructure'.

21. Mast sharing is encouraged and supported by government guidance and is welcome. There is no evidence to substantiate their claim that it would not result in additional telecommunications apparatus to the local area at a future date. In addition, there is no evidence provided that the existing equipment is not physically capable of supporting additional infrastructure.
22. Even if the supporting ground based cabinets were to be installed under the operators permitted development rights, this could not be prevented. In any case, these would be low level and less visually intrusive than the proposed monopole.
23. Some appeal decisions have been brought to my attention by the appellant. One appeal relates to a 17.5m high monopole. This is lower in height than the appeal proposal before me and located in an area with commercial buildings and is positioned close to a nursery building. These circumstances are not the same as the proposal before me. Another appeal relates to a much lower apparatus which has been designed as a 'T-Range Replica Telegraph Pole'. The Inspector considered it would blend with the existing street furniture. Again, the circumstances are not precisely the same as the appeal before me. I therefore apply limited weight to these examples.

Other Matter

24. Despite the fact there may be no objections received from statutory consultees or from local residents, this is a neutral matter that neither weighs for or against the proposal.

Balance and Conclusion

25. I have balanced the proposal against a number of considerations including public benefits and site constraints. I afford moderate weight to the economic and social benefits of the appeal scheme, in particular the consequence of 5G coverage within the local area. However, as a consequence of its siting and appearance, the harm I have found that would arise to the character and appearance of the area does not outweigh the benefits of the proposal. These matters attract significant weight and outweigh the benefits associated with it.
26. Therefore, the proposed development would lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR