



Appeal Decision

Site visit made on 6 September 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2023

Appeal Ref: APP/R5510/W/23/3315322

Cherry Lane, West Drayton, London UB7 9DN

- 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 appeal is made by CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 76572/APP/2022/2866, dated 13 September 2022, was refused by notice dated 4 November 2022.
 - The development proposed is described as "Proposed telecommunications installation: Proposed 15.0m Phase 8 Monopole C/W wraparound 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 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of telecommunications installation: 15.0m Phase 8 monopole with wraparound cabinet at base and associated ancillary works at land at Cherry Lane, London UB7 9DN in accordance with the terms of the application Ref 76572/APP/2022/2866, dated 13 September 2022, and the plans submitted with it including drawing nos: HGN17663_M002/B 002 Site Location Plan, HGN17663_M002/B 100 Existing Site Plan, HGN17663_M002/B 150 Existing Elevation A, HGN17663_M002/B 210 Proposed Site Plan, and HGN17663_M002/B 260 Proposed Elevation.

Preliminary Matters

2. I have amended the description of development in my decision for clarity and to remove words not describing acts of development.
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.
4. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
5. Nevertheless, Policies D1, D4, D8 and SI6 of the London Plan 2021 (LP), Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies 2012 (HLP1), and Policies DMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part 2

Development Management Policies 2020 (HLP2) are material considerations as they relate to issues of siting and appearance. In particular, they support effective use of rooftops and the public realm to accommodate well-designed and suitably located mobile digital infrastructure; seek development that takes account of an area's character; and require telecommunications development to be sited and designed to minimise 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.

6. It has been suggested the proposed cabinets do not require prior approval. Nevertheless, they 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 Issues

7. The main issues are:
 - i. the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area; and
 - ii. the effect of the siting of the proposed installation on the living conditions of nearby residents, with particular regard to outlook.

Reasons

Character and appearance

8. The appeal site is on a large traffic island at the centre of the junction between Sipson Road and Cherry Lane. The junction is relatively complex, near a bend in the road and with several slip roads alongside the main highway. The traffic island comprises grass, a prominent row of mature trees and a wide footway with lampposts, pedestrian barriers, traffic lights and road signs. The lampposts are tall, although shorter than the trees. The surrounding area is suburban, comprising mainly two-storey dwellings. There is an area of open space at the other end of the traffic island from the row of trees, separated from it by some lower rise vegetation.
9. The proposed installation would be located on part of the footway in the traffic island, broadly in line with the lampposts and near one end of the row of trees. The monopole overall would have a similar height to the trees and, excluding the top apparatus, its pole would be comparable in height to the lampposts. It would therefore be seen as part of an existing group of vertical structures of comparable stature. In addition, the row of trees and breadth of their trunks and canopies – even in winter – would attract attention away from the somewhat greater width of the new structure relative to existing street furniture. Consequently, the proposal would not look particularly dominant.
10. The colour of the installation would be grey, like that of nearby street furniture, and the cabinets would be sited close to an existing pedestrian barrier. These factors would help the development blend into its surroundings. The traffic island is sufficiently spacious to accommodate existing street furniture and the proposal without appearing cluttered. Overall, given the complexity of the junction and the prominence of the existing trees, the proposed installation would not be unduly conspicuous in the street scene.

11. I accept the nearby open space adds a degree of openness to the character of the junction. Nevertheless, the row of lampposts continues from the traffic island past this open space, so there are existing tall vertical structures throughout the surrounding public realm. The lower rise vegetation also interrupts views across the open area. Consequently, the proposed monopole would not appear as an isolated vertical element and would not be seen against an unbroken backdrop by viewers facing the open space.
12. Insofar as they are material considerations, the proposal would not be contrary to the aims of Policies D1, D4, D8 and SI6 of the LP, Policy BE1 of HLP1, or Policies DMHB 11, DMHB 12 and DMHB 21 of HLP2.
13. For the above reasons, I conclude the siting and appearance of the proposed installation would not have a harmful effect on the character and appearance of the surrounding area.

Living conditions

14. The houses nearest to the proposed development are situated on either side of the junction. On one side, they would be separated from the site of the proposal by a slip road, a grassy verge and the main highway. On the other side they would be separated from it either by a slip road and the row of trees, or by two slip roads and a grassy verge. Therefore, the proposed installation would not be in the immediate foreground when viewed from these dwellings. The development would also not be unduly prominent in the street scene for the reasons set out above. Consequently, the effect on the outlook of nearby residents would not be so great as to be over-bearing.
15. For the above reasons, I conclude the siting of the proposed installation would not have a harmful effect on the living conditions of nearby residents, with particular regard to outlook.

Other Matters

16. I note the Council's reservations regarding the appellant's consideration of alternative sites. However, given I have found no significant harm from the proposal, it has not been necessary for me to address this issue.

Conditions

17. The GPDO 2015 does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval, and 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

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

C Carpenter INSPECTOR