

Appeal Decision

Site visit made on 9 August 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/R5510/W/22/3299301

Wood Lane, Hillingdon, Ruislip HA4 6EY, X509065, Y186962

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison 3G (UK) Limited against the decision of London Borough of Hillingdon.
 - The application Ref 76889/APP/2021/4322, dated 24 November 2021, was refused by notice dated 13 January 2022.
 - The development proposed is the installation of a 15 metre high, monopole tower, associated radio-equipment housing including one cabinet that will wrap around the base of the mast and ancillary development hitherto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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.
3. The principle of development is established by the GPDO which does not require regard to be given to the development plan. I have had regard to those policies of the development plan provided by the Council, and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are:
 - the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including the Ruislip Village Conservation Area; the living conditions of the occupiers of nearby dwellings, with particular reference to outlook; and the operations of air traffic services; 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

5. The appeal site lies on the south side of Wood Lane (the Lane) which is an attractive Lane on the edge of the Ruislip Village Conservation Area (CA). The Council advise that the site lies approximately 5m from the edge of the CA. There are a small number of attractive properties at the top of the Lane near the White Bear Public House. The Lane drops gently to the east and is characterised by large houses on its northern side and a wide verge on its southern side containing several maturing trees. The width of the verge and trees within it give the Lane a verdant character that makes a positive contribution to the edge of the CA.
6. The verge contains other human elements near the appeal site, such as lamp posts, a bin and a small cabinet. However, the introduction of a 15m monopole tower and associated equipment would have a much stronger presence in the verge due to the height of the tower. The tower would have a functional and utilitarian appearance that would be prominent as it rises above the trees and lamp pole. The colour treatment proposed would help but it would not mitigate such effects. In this regard, it would erode the verdant qualities of the Lane to the detriment of this part of the CA.
7. Due to the height of the tower the proposal would be clearly visible from several of the nearby residential properties. The pole would be sited very close to the rear garden of No 2 Helford Close (No 2) and, to a lesser extent, No 3 Helford Close (No 3) and No 4 Whitestable Close (No 4). From within the garden of No 2, the tower would rise significantly above the garden fence and at such close proximity to the garden it would be unduly oppressive. This would significantly harm the living conditions of the occupiers of this property.
8. It would also be visible from the gardens of No 3. However, No 3's garden backs onto the area of verge beyond the tower and the garden has a wide splayed shape along the Lane. This would moderate the effects on the outlook from the garden of No 3, as it would not be prominent in all views from within the garden. No 2's garden would be between No 4's garden and the proposed tower. With the separation distance, and with the intervening garden, there would not be an unacceptable effect on the outlook from the garden of this property.
9. Due to the distance from the dwellings of No 2, 3 and 4 to the proposed tower, even where visible from the windows at these properties, the effects on outlook would not be significantly harmful. Those houses on the opposite side of the road on the Lane are set back from the road and whilst it would alter the outlook it would not appear unduly oppressive in scale at this distance. As the private gardens of these properties are to the rear, with the frontages primarily used for parking and access, the overall effects on the outlook from these properties and their gardens would not be unacceptable.
10. The appeal site lies within 3km of the Northolt Aerodrome which is a Royal Air Force station. During the appeal the Ministry of Defence (MOD) confirmed that it did not submit a response in time to the Local Planning Authority during the processing time of the application. However, it has confirmed that the MOD has no objections to the proposed development. As such, on the basis of the evidence before me, I am satisfied that the effects of the siting and appearance of the proposed installation on the operations of air traffic services would be acceptable.

11. The appellant has set down details of its sequential approach to site selection. This includes other street locations which were considered and discounted. However, the extent and reasons provided for these other sites is brief and lacking in detail. No map is before me of these other locations, or the designated area of search. Moreover, there are no colour-coded signal maps, which can be helpful in establishing an 'area of search' for the proposed installation.
12. The information on site selection fails to acknowledge the location of the site on the edge of the CA and whether this has been a consideration in discounting other sites. There is no evidence how any existing buildings have been considered and discounted, nor any firm details of the locations of other masts or firm reasons why mast sharing has been discounted. To the east of the site, a short distance away, lies a supermarket car park, which is set away from residential properties and the building itself contains a large roof. Having regard to the guidance in the Framework, such a location would be a sequentially preferable location, if feasible.
13. Having regard to the absence of information and the potential site noted above, I am unable to determine whether there are alternative, preferable sites to that proposed in the appeal.
14. The Framework generally reflects the government's commitment to supporting the deployment of next-generation mobile infrastructure. In this regard, although I note the references made to various social and economic benefits, they have not been taken into account when considering matters of siting and appearance. Moreover, the absence of harm in relation to other matters does not alter my findings in relation to the siting and appearance of the installation in this location.
15. To be permitted under Schedule 2, Part 16 of the GPDO a development is subject to several conditions. This includes, amongst other things A.3 (2). This stipulates that where the proposed development consists of the installation of a mast within 3km of the perimeter of an aerodrome, the developer must notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate, before making the application. There is no firm evidence before me that the developer has satisfied this condition. However, given my findings on the main issues, I have not considered this matter further as it would not alter the outcome of my decision.

Conclusion

16. The siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the CA and the living conditions of the occupiers of No 2 with particular reference to outlook. Furthermore, it has not been demonstrated that the harm I have identified is outweighed by the need for the installation to be sited as proposed, having regard to any suitable alternatives.
17. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR