



HILLINGDON
LONDON

Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

CK Hutchison Networks (UK) Ltd

Proposal:

Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.

Appeal Site:

Area of Grass Verge, High Road Street Works, High Road,
Hillingdon, HA5 2ER

Our Ref:
Your Ref:

77683/APP/2023/816
APP/R5510/W/23/3326905

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission for the proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
- 1.2 The LPA refused planning permission on 09.05.2023 for the following reasons (as stated on the decision notice):
 1. The proposed telecommunications street pole and associated equipment would, by virtue of their siting, size, scale, bulk and height, represent prominent and incongruous features in the street scene that would cause significant harm to the character and appearance of the Eastcote Village Conservation Area and the setting of the Grade II Listed Building at the Old Barn House. The proposed development would therefore be contrary to paragraphs 115, 130 c) and 195 of the National Planning Policy Framework (2021), Policies D4, D8, HC1 and SI6 of the London Plan (2021), Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and Policies DMHB 1, DMHB 2, DMHB 4, DMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020).
 2. The Local Planning Authority considers that the applicants have failed to provide robust evidence to demonstrate that other more suitable and less harmful sites do not exist, and that they have actively explored the possibility of erecting the proposed telecommunications equipment on existing buildings, masts or other structures. The development would therefore be contrary to paragraphs 115 and 117 c) of the National Planning Policy Framework (2021), and Policy DMHB 21 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).
 3. The application site is designated within a RAF Northolt 3km Buffer Zone. The information accompanied with the application fails to demonstrate that the developer has notified in writing (i) the Civil Aviation Authority, in respect of development on a civil safeguarding area; (ii) the Secretary of State for Defence, in respect of development on a defence safeguarding area; (iii) the operator of the civil safeguarding area (if the operator is not the Civil Aviation Authority) or defence safeguarding area (if the operator is not the Secretary of State for Defence). Furthermore, the information submitted fails to demonstrate that the development would not begin until the end of 28 days after the day the last notification required by paragraph (a) is given.
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1. Copies of relevant planning policies are included at Appendix 2.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

2.1 Within their statement of case, the appellant has raised the following summarised points in response to the reasons for refusal, excerpts below:

Reason for refusal 1:

- The applicant has carefully considered the siting of the telecom's infrastructure to limit impact upon visual amenity and character of the area.
- Proposed siting has also considered pedestrians using the pavement.
- The equipment will occupy a footprint of 1.8sqm (approximately 4.3sqm) when factoring in space between the individual items of apparatus.
- Site benefits from existing trees which are considered to reduce visual impact.
- Proposed grey finish of the infrastructure would further assist with its assimilation.
- The applicant does not agree that the site has any relevant or special character upon which the proposed development would negatively impact.

Reason for refusal 2:

- The sequential approach, as outlined in the NPPF, was adopted by the applicant.
- Firstly, the appellant sets out that consideration was given to the sharing any existing telecommunication structures in the immediate area, the utilisation of any suitable existing structures or buildings and finally the identification of suitable locations for a free-standing (ground-based) installation.
- No mast/site sharing opportunities or existing building/structures were identified.
- The proposed equipment consisting of a free-standing telecommunications pole and ground-based cabinets was considered by the appellant to be most suitable in the proposed location.
- A desk-top analysis and physical search led to the identification of the appeal site.
- The search also generated one other option for the proposed development.

Reason for refusal 3:

- No content within the Statement of Case in relation to this reason for refusal.

2.2 The grounds of appeal makes reference to the presence of existing trees on the site in support of the proposals and to justify the appropriateness of the proposals to the site, asserting that these trees would reduce any visual impact. This is refuted given that the proposed street pole would have a height of 15 metres, and so would be significantly taller than the trees. The considerable vertical height of the proposed street pole, in combination with the distinctly linear nature of High Road which assist in affording close- and long-range views of the site, is considered to result in a form of development which would appear as incongruous and visually obtrusive and readily visible in the streetscene and wider area. The existing nearby trees would not mitigate this identified impact.

2.3 The grounds of appeal suggests that the site does not possess any particular or special character to which the proposed development would harm. The site falls within the designated Eastcote Village Conservation Area, a Site of Importance for Nature Conservation and part of an Archaeological Priority Area. The site is, therefore, very sensitive in terms of ecological and heritage designations. The Eastcote Village Conservation Area was designated in the early 1970s and includes the historic hamlet of Eastcote and surrounding areas. The area was extended in 1989, 1999 and more

recently in 2010, to include those adjoining areas that contributed positively to the setting of the Conservation Area. The character of the area is that of a high-quality suburb dominated by open spaces, extensive natural landscaping, and trees. The appeal site represents a valuable open space within the Eastcote Village Conservation Area. The proposal would compromise the setting of the site and wider area by adding more street furniture to the existing bus stop and bus shelter, resulting in a cluttered appearance.

- 2.4 The grounds of appeal refers to the appellant's consideration of alternative sites, and states that a sequential assessment was carried out to ultimately identify the appeal site for the proposed development. This goes some way to allay the requirements of Policy DMHB 21 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020). However, it has not been fully demonstrated that the option of mast-sharing with other nearby structures is not feasible. The grounds of appeal mention that no mast/site sharing opportunities or existing buildings/structures were identified. There is an existing telecommunications street pole some 40 metres from the application site, adjacent to the roundabout junction connected to Field End Road and High Road. This other pole has not been referred to in the grounds of appeal and it remains unclear whether, or to what extent, this mast has been given proper consideration.
- 2.5 No additional information has been provided in the grounds of appeal regarding consultation with the Civil Aviation Authority and other relevant defence authorities. In the absence of such information, the grounds of appeal fails to address reason for refusal no. 3.

3. Conclusion

- 3.1 For the reasons set out in the delegated report (already submitted to PINS with the questionnaire and associated documents) and this statement, the appeal proposal would harm the visual amenities of the street scene and the character and appearance of the Eastcote Village Conservation Area and the setting of the Grade-II Listed Building at the Old Barn House. It is considered that insufficient evidence has been provided to demonstrate that the option of mast-sharing is not possible in this location and it has not been demonstrated that the developer has notified in writing relevant bodies/authorities including, (i) the Civil Aviation Authority, in respect of development on a civil safeguarding area; (ii) the Secretary of State for Defence, in respect of development on a defence safeguarding area; (iii) the operator of the civil safeguarding area (if the operator is not the Civil Aviation Authority) or defence safeguarding area (if the operator is not the Secretary of State for Defence).
- 3.2 To conclude, the Appeal scheme conflicts with national, regional and local planning policies and guidance.
- 3.3 The Inspector is, therefore, respectfully requested to dismiss the appeal.
- 3.4 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 3.

Appendices

Appendix 1 – Planning Officer’s Delegated Report (already provided)

Appendix 2 – Copies of Relevant Planning Policies (already provided)

Appendix 3 – The LPA’s Recommended Conditions (enclosed)

Appendix 3 – The LPA’s Recommended Conditions

For the reasons set out in this appeal statement, the decision notice and the case officers’ delegated report, the Inspector is respectfully requested to dismiss the appeal. In the event that the Inspector is minded to allow the appeal, the Council ask that the following conditions be considered for inclusion on any planning permission:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, drawing numbers HGN21156_HGN356_TBC_HA0510_GA_REV_B, HGN21156_HGN356_TBC_HA0510_GA_REV_B, and HGN21156_HGN356_TBC_HA0510_GA_REV_B and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

3) Any apparatus or structure provided in accordance with this approval shall be removed from the land, as soon as reasonably practicable after it is no longer required for electronic communications purposes, and such land, shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing with the Local Planning Authority.

REASON

To ensure that the development is removed as soon as it is no longer required in order to protect the character and appearance of the area in accordance with Policies DMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).