
Appeal Decision

Site Visit made on 11 October 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2021

Appeal Ref: APP/R5510/W/21/3269903

Cowley Business Park, Uxbridge UB8 2AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a 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 (EE UK Ltd & H3G UK Ltd) against the decision of London Borough of Hillingdon.
 - The application Ref 74118/APP/2020/3119, dated 1 October 2020, was refused by notice dated 20 November 2020.
 - The development proposed is Installation of a 20m high monopole supporting 12no antenna apertures & 2no 300mm dishes; installation of 8no cabinets; ancillary development thereto.
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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 the Installation of a 20m high monopole supporting 12no antenna apertures & 2no 300mm dishes; installation of 8no cabinets; ancillary development thereto, at Cowley Business Park, Uxbridge UB8 2AD, in accordance with the terms of application Ref: 74118/APP/2020/3119, dated 1 October 2020, and the plans submitted with it.

Preliminary Matters

2. Following the submission of the appeal, a revised National Planning Policy Framework (the Framework) was published. The parties were consulted in relation to this matter, and any responses received have been factored into my assessment of the appeal.
3. In refusing planning permission, the Council stated that due to the absence of a red line boundary around the edge of the development site from the entrance to the public highway, it was not possible to determine the full extent of the area of landscaping, trees and hedging that could be lost due to the construction of the development. However, in my judgement, the package of information that supports the proposal makes it very clear where the development would be sited. Accordingly, I am satisfied that the information provided to supplement the original application complied with the requirements of Paragraph A.3 (5) (a), within Class A, Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 2015 GPDO). I will therefore proceed to assess the appeal on this basis.

Planning Policy

4. The principle of development is established by the 2015 GPDO and the provisions of Schedule 2, Part 16, Class A of the 2015 GPDO do not require regard be had to the development plan. Consequently, 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.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development on the surrounding area, and whether any harm caused would be outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites, and the requirements of national policy.

Reasons

6. The appeal site is located adjacent to an access road that serves a business park. The road meanders next to the business park and is lined by pockets of green space as well as mature trees and well-established landscaping. Existing street furniture in the immediate surroundings principally consists of lampposts and these are demonstrably subservient in height to the dominant trees. The greenery provided by the land associated with the appeal site, as well as the other frequent examples of similar pockets of greenery play an important role in providing a landscaped setting for the large and imposing business park. Accordingly, in its current form, the appeal site makes a positive contribution to the character and appearance of the surrounding area.
7. The proposal would introduce six cabinets onto the site as well as a monopole that would be 20 metres in height. Based on the evidence before me, the height of the monopole would be substantially taller than the mature trees which bound the site. Accordingly, it would represent a significant departure from the established height of existing lampposts with the height of the proposed structure representing a visually dominant addition to the existing environment. Due to the substantial height of the monopole, and plethora of associated cabinets, the proposal would detract from the pleasing greenery within which it would be located. This would harm the established landscape feature which positively contributes to the surrounding area as well as causing some harm to the visual amenities of surrounding properties, particularly those within converted office premises.
8. The proposal would also be located relatively close to three Grade II Listed Buildings. However, because the proposal does not seek planning permission or permission in principle, the duty established within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, does not apply to this proposal. Despite this, the Framework still requires the heritage implications to be fully considered.
9. The setting of the nearby listed buildings has been substantially altered over time, particularly with the construction of the nearby business park. However, the landscaped buffer to which the appeal site contributes, plays an important role in softening the setting of the buildings. For the reasons identified above, the proposal would have a harmful effect on the established landscaping. Despite this, the appeal site is not immediately adjacent to the listed buildings,

and much of the landscaped buffer would be retained by the proposal. Consequently, in my judgement, the proposal would have a very limited negative effect on the setting of the listed buildings. On this basis, Paragraph 202 of the Framework confirms that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.

10. Paragraph 114 of the Framework confirms that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning policies and decisions should support the expansion of electronic communication networks, including next generation mobile technology.
11. Based on the evidence before me, the proposal would replace an existing installation that is based on the rooftop of the Brunel University Engineering Block. The evidence implies that this installation is in danger of being lost from the network for reasons beyond the Operator's control, and that the proposal would prevent any loss of service when the existing base station is removed. The details in relation to this matter are sparse within the evidence, however, Paragraph 118 of the Framework confirms that the need for an electronic communications system should not be questioned. Accordingly, I do not dispute the need for the proposal. Moreover, due to the economic and social benefits that the proposal would provide, substantial weight is given to these matters.
12. The evidence also confirms that the design of the proposal would be such that the monopole would be of the smallest dimensions possible without compromising operational efficiency. In addition, it is confirmed that 13 alternative sites were considered to replace the existing installation but that these were discounted primarily in relation to coverage issues, although other physical constraints were also identified.
13. Accordingly, although the siting and appearance of the proposed development would cause some limited harm to the setting of the nearby listed buildings, I am satisfied that the economic and social benefits of the proposal, would outweigh this harm. I am also satisfied that the appellant has suitably considered the availability of alternative sites and discounted them for appropriate reasons. Consequently, having regard to the potential availability of alternative sites, as well as the requirements of national policy, I conclude that the harm caused by the proposal would be outweighed by the need to site the installation in the location proposed.

Conditions

14. Any planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must 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

15. For the reasons identified above, the appeal should be allowed, and prior approval should be granted.

Martin Chandler

INSPECTOR