



Appeal Decision

Site Visit made on 7 September 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021

Appeal Ref: APP/L5240/W/21/3268623

Virginia Road / Ingram Road, Upper Norwood, Croydon CR7 8ET

- 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 Hutchison 3G UK Ltd against London Borough of Croydon.
 - The application Ref 20/04245/PA8, is dated 17 September 2020.
 - The development proposed is a telecommunications installation: Proposed 20m 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 Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a proposed telecommunications installation: Proposed 20m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works at Virginia Road / Ingram Road, Upper Norwood, Croydon CR7 8ET in accordance with the terms of application Ref: 20/04245/PA8, dated 17 September 2020 and the plans submitted with it.

Procedural Matters

2. The application was submitted pursuant to Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The principle of development is established by the GPDO. The development is, however, subject to the developer firstly applying to the local planning authority as to whether prior approval will be required for the siting and appearance of the development.
3. I have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance. Amongst other policies, I have been directed towards Policy DM18 of the Croydon Local Plan (2018) (the Local Plan). However, this policy relates to the effect of developments upon heritage assets. As the evidence before me is not indicative of harm to heritage assets, I have been unable to give this policy significant weight.
4. After the submission of the appeal, the Government revised the Framework. In considering this appeal, I have had regard to the revised Framework, having first given the parties an opportunity to comment.

Main Issue

5. The main issue is the effect of the development upon the character and appearance of the surrounding area.

Reasons

6. The appeal site consists of an open, grassed area within a predominantly residential area. The surrounding area contains a varied topography and a large number of dwellings constructed to varying designs. This also means that there are relatively small gaps between buildings.
7. Whilst the proposed development would be of a height greater than nearby buildings, the layout of buildings in the surrounding area is such that the proposed development would not be prominent owing to the screening effect of existing structures.
8. In addition, the proximity of the buildings within the immediate environs of the appeal site means that the surrounding area has a relatively enclosed character and built-up appearance. When combined with the varying topography of the surrounding area, the proposal would not be readily visible from several different viewpoints.
9. Therefore, this siting of the development would reduce its visual effect when viewed from the wider surrounding area. Furthermore, the topography would reduce the opportunities to view the installation against the skyline. These measures ensure that the development is sensitively located.
10. In addition, the open space features several different developments, including pathways, some hardstanding, equipment cabinets and street lighting columns. In consequence, the proposed development would not result in a significant change to the green space's character as the proposal would be viewed against a backdrop of other structures and installations. Therefore, when viewed from the areas in closer proximity to the appeal site, the proposal would not appear incongruous. The effect of the development would further be reduced due to the proposal's materials.
11. Whilst the proposed development would be located on open land, the footprint of the proposal comprising the mast and supporting cabinets would be relatively small. In consequence, the proposed development would still allow for the retention of the predominantly open and verdant character of the space.
12. The design of the equipment cabinets would have a relatively limited height and width. In addition, despite its overall height, the width of the proposed monopole antenna would be relatively narrow. In consequence, the proposed development would have a limited massing. This means that the siting and design of the proposed development would maintain the predominantly open character of the proposal's immediate surroundings.
13. Therefore, even considering both the mast and equipment cabinet as a single development, I am unable to identify harm to the character and appearance of the surrounding area. This would occur irrespective of the number of telecommunications operators using the development.
14. The proposed development would result in the loss of some of the area of open space. However, given the footprint of the development the amount of space

that would be taken would represent a relatively small proportion of the total available. Therefore, the siting and design of the proposed development would not result in a diminished ability for local residents to undertake recreational activity within the grassed area.

15. The Council has suggested that a sequential approach be applied to the location of telecommunications infrastructure. This suggests that new installations should, in the first instance, be attached to buildings.
16. The appellant has undertaken an assessment of alternative locations and has provided reasons as to why they cannot be taken forward as a location for the proposed development.
17. Whilst the Council have suggested that buildings within the surrounding area could be utilised to accommodate the proposed development, it has not provided me with the addresses of these buildings or the reasons why they are considered appropriate. Even if such a building were to exist, I do not have certainty that the respective landowner would be receptive to the proposed development being installed on their property. In consequence, I do not believe that there is an alternative location for the proposed development.
18. Owing to the pattern of development within the appeal site's surroundings, there are limited open areas near the appeal site that could accommodate the proposed development without having an adverse effect upon the character and appearance of the area in an accessible location.
19. I note that the Council have raised further concerns regarding the siting of the development as a lower height might not give the same level of network coverage. However, I have not identified harm arising from the siting and design of the development and it has been demonstrated that there is an operational need for the proposed development. Therefore, the proposal would offer improvements in the provision of telecommunications coverage, which would be of benefit. This weighs in favour of the proposal.
20. The development in this regard would be in conformity with Policies SP4, DM10 and DM33 of the Local Plan. Amongst other matters, these require that developments be informed by the distinctive qualities of the relevant place; create well designed public spaces; and if proposing a new mast, it has been demonstrated that there are no existing structures on which the proposed apparatus can be sited
21. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. Therefore, the proposed siting and design would be in conformity with the Framework.

Other Matters

22. The Council has suggested some conditions to be imposed if I allow the appeal. Of those suggested conditions, it is not necessary to impose a condition regarding the timeframe for implementation as this is already a provision of the GPDO. In addition, the prior approval process pertains to a specific proposal. In consequence, an additional condition specifying the approved plans would also fail to meet the test of necessity or reasonableness.

23. The Council has also suggested a condition requiring the agreement of the proposed materials. However, given that the submitted details includes this information, I am not persuaded that this condition is required.

Conclusion

24. There would be economic and social benefits associated with upgrading the existing infrastructure and against a wider objective of improving the communications network, these are aspects that weigh in favour of the development. In addition, the development would not have an adverse effect upon the character and appearance of the surrounding area arising from its siting and design.

25. Therefore, I conclude that the appeal should succeed, and prior approval be given.

Benjamin Clarke

INSPECTOR