



Appeal Decision

Site visit made on 12 October 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/L5240/W/21/3272152

7 - 69 Wingate Crescent, Croydon CR0 3AP

- 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 Order).
 - The appeal is made by MBNL (EE UK LTD and H3G UK LTD) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/05889/PA8, dated 6 November 2020, was refused by notice dated 6 January 2021.
 - The development proposed is installation of assorted steelwork to accommodate 6no antenna apertures (29.50m AGL) & 4no 600mm dishes; installation of 9no cabinets; ancillary development thereto.
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Decision

1. The appeal is allowed and prior 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) (GPDO) for the installation of a assorted steelwork to accommodate 6no antenna apertures (29.50m AGL) & 4no 600mm dishes; installation of 9no cabinets; ancillary development thereto at 7 - 69 Wingate Crescent, Croydon, CR0 3AP, in accordance with the details submitted pursuant to Schedule 2, Part 16, Paragraph A.3 of the GPDO.

Preliminary Matters

2. Though not relied upon by the Council in the reasons for refusal, since the appeal application was determined, the London Plan (2021) has been adopted. The parties both refer to the London Plan 2021 in the evidence and therefore, no prejudice has been caused.

Background and Main Issue

3. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO) 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 and provided that the apparatus is within the limits set out within the GDPO. My determination of this appeal has been made in the same manner.
4. Accordingly, the main issues are whether the proposed works are permitted development for which prior approval can be granted, and if so, whether they would raise any concerns in terms of their siting and appearance.

Reasons

5. Wingate House is one of two almost identical eight storey tower blocks around 20 metres tall containing flats. The blocks are well set back from the Mitcham Road behind the grouped housing which is generally of a much lower scale, up to around four storeys.
6. The proposal seeks to site a number of antenna, dishes, steelwork and associated cabinets on the roof of the westernmost tower to support the continued provision of mobile communications network coverage. This is required as an existing 30 metre high telecommunications tower at No 681 Mitcham Road is being decommissioned after nearly 20 years of providing coverage in the area. The benefit with the proposal is that it will enhance the coverage, rather than simply replicate what would be lost, and provide for enhanced 5G network coverage.
7. I accept the Council's view that the Wingate Crescent tower blocks are fairly visible features owing to their scale relative to that of buildings in their immediate surroundings. However, they are not particularly prominently sited, with the benefit of a backdrop of trees on Mitcham Common and well set back from Mitcham Road. In these longer distance views, the protruding central plant room is visible above the main flat roof of the building, along with a small number of other additions, such as tv antennas.
8. The proposal would alter the appearance of the tower block through the addition of numerous features, many of which would have slender steel fixings to the roof, some of a height taller than the central plant room and sited towards the outer edge of the building. The associated equipment cabinets would be less harmful as they would be sited adjacent to the plant room and would be similar in height, albeit individually slenderer in length and width. This clustered approach to the siting of the equipment cabinets would minimise their effect on the character and appearance of the building. The antennas and dishes on their respective support structures would collectively have a utilitarian appearance and their siting towards the edge of the building would do the opposite, and maximise their visibility, though such effects would be localised.
9. I noted a number of other buildings of a large scale within the Borough that had similar infrastructure on the roof so, whilst designed and sited so as to be functional within the applicable technical parameters, rather than aesthetically pleasing, they are at least typical features within an urban context such as that of the appeal site. As the buildings are already large, they exert a visual influence over the area which the appeal proposal would cumulatively add to in only a modest way.
10. Whilst the appeal building is visible from Mitcham Common, viewers would experience the altered views in the context of the urban landscape which includes other vertical infrastructure, as well as large industrial buildings. The appeal proposals would also be filtered in such views by the trees on the edge of the Common, which even in the Autumn and Winter months have a canopy structure that obstructs clear views of the building. The proposal would not have a direct effect on the Metropolitan Open Land or the reasons for which it is designated. Visually, it would have a negligible effect on users of the Common.

11. Taking all of the above into account, the proposal is considered acceptable in respect of its siting and appearance in the context of, in particular, Policy DM33 of the Croydon Local Plan (2018) (Local Plan). This Policy seeks to ensure that telecoms development on a building should be sited and designed to minimise impact to the external appearance of the host building or structure. The proposal would also accord with Policy SP4 of the Local Plan which, amongst other things, seeks to protect Croydon's varied local character.
12. I note the reference to Policy DM20 of the Croydon Local Plan and Policies D5 and D9 of the London Plan, none of which I consider specifically relevant to the proposal. Croydon Local Plan Policy DM20 relates to Selhurst Park which is unrelated to the appeal site or surrounding area. London Plan Policy D5 relates to accessible design and D9 relates to proposals for new tall buildings.

Other Matters

13. I have taken into consideration the representation made on the appeal proposal which indicates that too little evidence has been submitted to justify the chosen location, and that there could be a preferable alternative location based within a commercial area. Having regard to the proximity to the existing structure which it is intended to replace, I consider the appeal site acceptable and the proposal a likely preferable alternative to a proximate ground-based location for a mast of 30 metres or more.

Conclusion

14. For the reasons given above but also in recognition of the public interest reasons to maintain suitable network coverage, and having taken all other matters into account, I conclude that the appeal should be allowed and prior approval granted subject to the standard conditions set out in the Order.

Hollie Nicholls

INSPECTOR