
Appeal Decision

Site visit made on 6 December 2021

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th December 2021

Appeal Ref: APP/L5240/W/21/3274493

Area of Footpath, Selsdon Park Road, Selsdon, London CR2 8SG

Easting 535819, Northing 162722

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison 3G (UK) Limited (c/o Chris Weir) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/00614/PA8, dated 9 February 2021, was refused by notice dated 1 April 2021.
 - The development proposed is 'The proposed erection of an 18 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works'.
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Decision

1. The appeal is allowed and prior approval 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 proposed erection of an 18 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works at Area of Footpath, Selsdon Park Road, Selsdon, London CR2 8SG (Easting 535819, Northing 162722), in accordance with the application Ref 21/00614/PA8, dated 9 February 2021, and the details submitted with.

Preliminary Matters

2. There is no dispute between the parties that the proposal satisfies the limits to permitted development set at Paragraph A.1 to Class A of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). Paragraph A.3 requires that before development can commence a determination be made as to whether prior approval will be required as to the siting and appearance of the development.
3. The Council has referred to a number of development plan policies in its decision notice. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have nevertheless had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
4. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). However, the revised Framework does not materially alter the national policy approach in respect of the issues

raised in this appeal. I also note that a new version of the London Plan was adopted in March 2021.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposal on the character and appearance of the area, and whether any harm caused is outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites.

Reasons

Character and Appearance

6. The appeal site is a section of the footway on the south side of Selsdon Park Road, which is a wide and relatively busy main highway running east-west through Selsdon. The Church of Jesus Christ of Latter-day Saints and its car park are located to the south of the appeal site. The surrounding area is otherwise generally residential in nature and is characterised principally by two storey semi-detached properties, such as those located on the northern side of Selsdon Park Road close to the site.
7. To the west of the appeal site there is a tall pylon carrying electricity wires which cross over the road within close proximity of the site. There are also numerous streetlighting columns, road signs and a set of traffic lights along the road, and the spire of the adjacent church is a further notable vertical structure. Trees within the church grounds and in the verges and footways contribute positively to a verdant character.
8. The proposed development would comprise a 18m high streetpole, to which various antennas would be attached, together with associated equipment cabinets at ground level. The proposal is intended to provide new 5G network coverage to the residential area in and around Selsdon Park Road and Ashen Vale. The proposed pole and cabinets would be positioned towards the back of the footway adjacent to a low brick wall and railings. The proposed development would be of functional appearance, typical of telecommunications equipment seen in urban areas generally.
9. Due to its height and siting within the footway, the proposal would be readily visible from various points along Selsdon Park Road, Ashen Vale and Addington Road. Given its height and width, and relatively prominent siting, the proposed pole would be somewhat at odds with the prevailing residential character of the area.
10. However, the maximum height of the proposed pole would be about the same as a nearby mature tree within the adjacent church grounds. The proposal would be read partly against the backdrop of the nearby trees, which would also provide partial screening in views from Selsdon Park Road and Ashen Vale, particularly when they are in leaf. Although the proposed pole would be noticeably taller and wider than the streetlighting columns and it would also be higher than neighbouring buildings, it would not be as high or prominent as the nearby pylon. In views along Selsdon Park Road from the east, the proposal would be seen in the context of the pylon and overhead cables clearly visible in the area, whilst in both directions it would be viewed alongside the streetlighting columns and other items of street furniture.

11. Both the pole and the cabinets would be painted black which would enable them to blend in with the existing streetlights. The proposed equipment cabinets would be of modest size and would not result in a visually cluttered streetscape.
12. Notwithstanding the above mitigating factors, the development proposed would still be a prominent and discordant feature, and I therefore conclude that the siting and appearance of the proposal would be moderately harmful to the character and appearance of the surrounding area. I have taken into account Policies SP4, DM10 and DM33 of the Croydon Local Plan (2018) which, amongst other things, seek to ensure that development proposals are of a high quality design, which respect and enhance Croydon's varied local character. Given my conclusion on this matter, the proposal would conflict with these policies.

Alternative Sites

13. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. Applications for telecommunications development should be supported with the necessary evidence to justify the proposal in accordance with paragraph 117 of the Framework. It is evident from the maps provided by the appellant that there is a need for improved network coverage in the area. The proposal would provide significant benefits through the upgrade to digital telecommunications in this part of Selsdon allowing for additional coverage and capacity.
14. The appellant has supplied additional information regarding the site selection process and has explored several other siting options. After due consideration all were discounted for various reasons including pavements being too narrow, the proximity of residential properties and the presence of overhead electricity cables. The evidence indicates that there are also no readily identifiable mast/site sharing opportunities or suitable buildings or other structures within the intended cell area. In particular, existing mast infrastructure within the wider area would appear not to be capable of hosting additional equipment which could extend into the target area.
15. There is no substantive evidence that challenges the rationale for discounting the alternatives that have been considered and I have no robust evidence before me to suggest that there would be other more suitable sites. The lack of realistic alternative options to deliver improved coverage and capacity is a consideration which weighs strongly in favour of the development. In this case, the moderate harm resulting from the siting and appearance of the proposal would be outweighed by the social and economic benefits provided by the improved coverage and capacity for the local community.

Conditions

16. Development permitted under Class A Part 16 is subject to standard conditions, including a time limit for implementation, a requirement that development is carried out in accordance with the submitted details¹, and that it is removed

¹ Which in this instance would include the following documents 'Declaration of conformity with ICNIRP, 002 Site Location Plan - CDN12160_Planning_Rev B, 100 Existing Site Plan - CDN12160_Planning_Rev B, 150 Existing Site Elevation - CDN12160_Planning_Rev B, 215 Proposed Site Plan - CDN12160_Planning_Rev B, 265 Proposed Site

when it is no longer required for electronic communications purposes. It is therefore unnecessary to impose the additional conditions suggested by the Council.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

M Ollerenshaw

INSPECTOR