
Appeal Decision

Site visit made on 7 March 2022

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th March 2022

Appeal Ref: APP/L5240/W/21/3276909

Grass verge at Bardolph Avenue, Croydon CR0 9JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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) Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/01671/PA8, dated 30 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is a 5G telecoms installation comprising a 15m high 'slim line' Phase 8 H3G street pole combined with wrap around cabinet and 3 no. cabinets with ancillary works – to be coloured green.
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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) (the 'Order') for a 5G telecoms installation comprising a 15m high 'slimline' Phase 8 H3G street pole combined with wrap around cabinet and 3 no. cabinets with ancillary works to be coloured green on grass verge at Bardolph Avenue, Croydon CR0 9JY in accordance with the terms of the application Ref 21/01671/PA8, dated 30 March 2021, and the plans submitted with it.

Preliminary Matters

2. The provisions of the Order require the local planning authority to assess the proposed development based solely on its siting and appearance, taking into account any representations received¹. My determination of this appeal has been made on the same basis.
3. The provisions of the Order do not require regard to be had to the development plan. I have therefore only had regard to the policies of the development plan and the National Planning Policy Framework (the 'Framework') in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including the outlook from neighbouring houses, and if any harm would occur whether this is

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Article 3(1) and Schedule 2, Part 16, Class A, paragraphs A.3(4) and A.3(7).

outweighed by the need for the installation taking into account any suitable alternative locations and designs.

Reasons

5. Bardolph Avenue is a local distributor road providing access to a residential neighbourhood of mainly 1 and 2 storey domestic dwellings, some of which are set in communal grounds. Bardolph Avenue is bordered by wide grass verges containing street trees that complement the communal grounds and give the area a verdant character.
6. The mast and equipment cabinets would be located within the grass verge. The mast at 15m in height would be more than twice that of the existing lighting columns and the street trees that flank the site. There are other trees in the vicinity, including one to the rear of the site standing in a communal open space, that are nearly equivalent in height to the mast and against which it would be seen in certain views. The upper part of mast would also be seen from the rear elevations of houses in Fairacres, which are in close proximity. Other houses in Linton Glade and Newlands Woods are orientated at an angle to the site or are further away and would be less affected. However, from most vantage points the mast would be clearly visible and would be more prominent than other street furniture because of its height.
7. The design of the installation using a monopole is less bulky than alternative designs, such as a lattice tower, and would be painted dark green. However, it would be thicker in cross section than the adjacent lighting columns. The equipment cabinets would be relatively modest in size and would be comparable to other utility cabinets that are commonly found in residential locations. Although the equipment cabinets would not be visually harmful, the width of the mast, when compared to the lighting columns, would further add to its visual impact.
8. For these reasons, the siting and appearance of the mast would cause a degree of harm to the character and appearance of the area, including the outlook from the rear of nearby properties in Fairacres. It is therefore necessary to consider whether there are alternative, preferable sites that it could be located.
9. The siting of the mast is constrained by the need to provide coverage for the target area, and also by the technical limitations of the cellular network of which it would form part. The appellant has investigated 4 alternative sites which would meet these constraints and limitations but which were discounted for various reasons. All those alternative sites are located within the same residential neighbourhood as the appeal site, would be as visually prominent, and would be as close or even closer to neighbouring residential properties than that now proposed.
10. Although the Council has suggested an alternative site is sought, it has not suggested any such sites itself nor has it indicated that any of the alternative sites investigated by the appellant would be preferable to that proposed.
11. I consider that none of the alternative sites investigated by the appellant are clearly preferable to that proposed in the appeal in terms of minimising the visual impact of the installation on the character and appearance of the area, or the outlook from neighbouring properties. No other alternative sites have been drawn to my attention, nor have I been made aware of any other means

of achieving 5G coverage in the target area, for example through the use of mast sharing or building mounted antennae.

12. Policies SP1 and SP4 of the Croydon Local Plan 2018 support sustainable development and require development to contribute positively to the public realm. More specifically, Policy DM33 of the Croydon Local Plan 2018 supports telecommunications development where it has been demonstrated that there are no existing buildings, masts or other structures on which the proposed apparatus can be sited. This policy is consistent with national planning policy as set out in paragraph 114 of the Framework which supports the expansion of electronic communications networks, including next generation mobile technology (such as 5G). The policy recognises the benefits that such technology brings in terms of supporting economic growth and social well-being in an increasingly digital world.
13. Having regard to all these matters, I conclude that the installation is the least intrusive that can be achieved in terms of its siting and appearance within the technical limitations of 5G technology. I further conclude that the harm arising from the visual prominence of the mast is outweighed by the benefits accruing from the provision of advanced, high quality and reliable communications infrastructure. The proposed development is therefore acceptable.

Other Matters

14. Concern has been raised in representations about the potential effect of microwave radiation on human health. Paragraph 118 of the Framework advises that local planning authorities, and by implication other decision makers, should not seek to set health safeguards different from the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by ICNIRP. The potential effect on health is therefore not a determining planning issue.

Conditions

15. Planning permission granted for development under Article 3(1) and Schedule 2, Part 16, Class A of the Order is subject to conditions set out in paragraphs A.2 and A.3. These specify that the development must begin not later than the expiration of 5 years beginning with the date on which the approval was given; be carried out in accordance with the details approved unless agreed otherwise by the local planning authority; and be removed as soon as reasonably practicable after it is no longer required and the land restored to its condition before the development took place.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR