
Appeal Decision

Site visit made on 13 June 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/L5240/W/21/3284521

Land at Coombe Lane, Coombe Lane, Lower Shirley, Croydon CR0 5RF

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL for and on behalf of Hutchison 3G Ltd against the decision of the London Borough of Croydon.
 - The application Ref 21/00712/PA8, dated 9 February 2021, was refused by notice dated 9 April 2021.
 - The development proposed is the installation of a new 15.0m column supporting 6 no antennas, together with ground-based equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed and prior 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 installation of a new 15.0m column supporting 6 no antennas, together with ground-based equipment cabinets and ancillary development thereto at land at Coombe Lane, Coombe Lane, Lower Shirley, Croydon CR0 5RF in accordance with the terms of the application, Ref 21/00712/PA8, dated 9 February 2021, and the details submitted with it.

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 site lies within the Metropolitan Green Belt. However, this is not a relevant consideration as this appeal relates to prior approval under Part 16 of the GPDO.

Main Issues

4. The main issues are the effects of the siting and appearance of the proposal on the character and appearance of the area and, if any harm would occur, whether this would be 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

5. The appeal site is part of a grass verge at the junction of Coombe Lane, Gravel Hill and Shirley Hills Road. The verge is relatively wide at this point and occupies higher ground than the carriageway. A public footpath runs alongside the eastern side of the verge. Areas of woodland surround the junction with residential areas beyond. A tramline crosses Coombe Lane a short distance to the south and west.
6. There is an existing 12.5m high monopole and associated cabinets on the verge and a further monopole and cabinets on the central reservation to the south-west. There are also numerous other items of street furniture at this busy highway junction, including streetlighting columns, road signs, traffic lights and infrastructure associated with the tramline. The wide grass verges contain mature trees which together with areas of nearby woodland contribute positively to an open, verdant character.
7. The existing monopole and one equipment cabinet would be removed from the verge in due course. However, to minimise coverage downtime during construction both monopoles would operate together for a short period. The proposed pole and cabinets would be positioned towards the back of the verge adjacent to the public footpath a short distance to the north of the existing installations. The proposal is intended to provide new 5G network coverage to the area in and around this part of Croydon as well as improving 2G, 3G and 4G coverage and capacity.
8. The proposed development would be of a functional appearance which would reflect the existing telecommunications equipment nearby. It would be seen in the context of other vertical features and street furniture, including the nearby trees, the existing equipment cabinets, the monopole on the central reservation and streetlighting columns.
9. Due to its prominent siting within the grass verge, the proposed development would be readily visible from various points along Coombe Lane, Gravel Hill, Shirley Hills Road and from the adjacent public footpath. The addition of the proposed monopole and associated equipment cabinets would increase the amount of telecommunications equipment on the verge. In combination with the existing monopole and equipment cabinets, the proposed development would add to a sense of street clutter in this open location. However, that would be tempered to some extent when the existing monopole and one of the existing equipment cabinets have been removed.
10. The mature trees within the grass verges, central reservation and those located in the nearby open spaces would provide partial screening of the development from certain vantage points along Coombe Lane, Gravel Hill and Shirley Hills Road. The proposed monopole and equipment cabinets would also be seen partly against the backdrop of the existing trees which would further mitigate the visual effects of the proposal. The proposed monopole and equipment cabinets would be coloured green which would enable them to blend in with the backdrop of trees.
11. 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. The appellant states that the site is located within a Local Heritage Area. I consider that the proposal would not be harmful to any heritage assets and I have identified no conflict with Policy HC1 of the London Plan (2021).

Alternative sites

12. Applications for telecommunications development should be supported with the necessary evidence to justify the proposal in accordance with paragraph 117 of the National Planning Policy Framework (Framework). The proposal would be shared by two operators and the appellant has provided detailed technical information to demonstrate that it is required to support mobile technology in the area. The appellant has followed a sequential approach to site selection. A number of alternative sites have been considered but subsequently discounted for various reasons as being unviable or offering no greater planning merit than the appeal proposal. For technical reasons, the existing monopole cannot be upgraded to provide the latest technologies, including 5G services, for both operators. There are no suitable buildings or other structures within the intended cell area that would be capable of accommodating the proposed installation.
13. The Council have not suggested any alternative sites and 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 instance, I am satisfied that undertaking the proposed development is justified in order to achieve the economic and social benefits arising from the proposal. In this respect, the proposal would accord with Policies GG1, GG6 and SI6 of the London Plan and the Framework, where these address improved connectivity and the delivery of strategic and local infrastructure. Policy SP6 of the Local Plan, which relates to reducing greenhouse gas emissions and climate change, is of limited relevance to this appeal.

Other Matters

14. A local resident has raised concerns about how the Council publicised the application. A formal period of consultation was carried out by the Council and I have taken into account the views expressed as part of that consultation process. I consider that sufficient consultation has been undertaken. The local resident also expresses concerns regarding pruning and removal of mature trees in the vicinity of the site. However, there is no substantive evidence before me to indicate that the proposed installation would require any works to the nearby trees.

Conditions

15. 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 details, and that it is removed when it is no longer required for electronic communications purposes. It is unnecessary to impose any additional conditions beyond these.

Planning Balance and Conclusion

16. 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. The proposal would provide significant benefits through the upgrade to digital telecommunications in this part of Croydon allowing for additional coverage and capacity.
17. I have found that the siting and appearance of the proposal would result in moderate harm to the character or appearance of the surrounding area. On the basis of the evidence before me, I consider that the appellant has reasonably considered and discounted a range of alternatives, which accords with the approach set out in the Framework. In this instance, having regard to the absence of more suitable alternative sites, the 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. For these reasons, I conclude that the appeal should be allowed and prior approval be granted.

M Ollerenshaw

INSPECTOR