

Appeal Decision

Site visit made on 23 June 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2022

Appeal Ref: APP/Q3820/W/21/3282646

Grass Verge, Balcombe Road, Crawley RH10 3DJ

- 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 MBNL on behalf of H3G UK Ltd against the decision of Crawley Borough Council.
 - The application Ref CR/2021/0171/TEL, dated 3 March 2021, was refused by notice dated 30 April 2021.
 - The development proposed is the installation of a new 19 metre high monopole supporting 6 no. antennas with a wrap around equipment cabinet at the base of the column, the installation of 2 no. new equipment cabinets and ancillary development.
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Decision

1. The appeal is dismissed.

Main Issue

2. The proposal is permitted development under Part 16 Class A of the 2015 Order but prior approval is required for its siting and appearance under paragraph A.3(3). The main issue is therefore the effect of the proposal on the character and appearance of the area.

Reasons

3. The proposal is for a 19 metre monopole with associated ground level cabinets on the grass verge behind the footway on the north-western side of the Balcombe Road/Worth Park Avenue/Copthorne Road roundabout in Crawley. An existing 12 m monopole a few metres away on the roadside would be removed after the new apparatus has been installed. The site is adjacent to a group of mature trees, close to the rear boundaries of detached houses which face Woodlands to the west and on the opposite side of the road from Ridleys, a Grade II listed building.
4. The appellant is in the process of building an upgraded 5G telecommunications network and requires a higher specification mast that will overtop nearby trees to ensure a satisfactory signal. The proposed 19 m monopole is the lowest possible to achieve the required coverage, the antenna design is as unobtrusive as possible and the nature of the cell network is that the replacement mast needs to be located near to the existing installation.
5. The existing 12 m monopole, erected some years ago, is seen against the canopy of adjacent trees which rise to 15 m in height. These also help screen the monopole from the windows and rear gardens of houses on Woodlands.

However, the 19 m monopole proposal, in a slightly revised location, would necessarily rise well above the trees, which the Council state are slightly lower at this point, perhaps 12 m high. Whilst the monopole would therefore be clearly noticeable to the occupiers of properties on Woodlands and to those passing by on Balcombe Road¹, its prominence would still be mitigated to a degree by the trees adjacent to the lower part of the mast.

6. The appellant states in paragraphs 2.4 and 5.41 of their statement that the location has been carefully selected to avoid adversely impacting the root protection zones or canopies of adjacent trees. However, this is not the case. It is clear from a site visit that the monopole would rise through the tree canopy and would probably be situated within a root protection zone. The trees and their canopies on the application plans are diagrammatic rather than based on an accurate survey, indeed the trees on the existing and proposed plans differ. In the absence of an arboricultural report stating otherwise, the proposal is likely to damage tree roots and require tree surgery to facilitate installation of the mast, harming the appearance of the trees, the level of screening provided and potentially affecting their future health. This would increase the visual impact of the monopole and unnecessarily erode the important contribution that the trees make to the amenity of the area.
7. Ridleys has heritage significance as a timber framed cottage of one storey and attics, probably dating from the 17th century. However, the building is set back in its well treed plot behind a hedge in a setting now dominated by busy roads and the adjacent roundabout. With the monopole sited on the other side of the road in this radically remodelled location, the proposal would not materially affect the setting of the listed building or its understanding.

Conclusion

8. The strong policy support for advanced and high-quality communications set out in paragraphs 114-118 of the National Planning Policy Framework is fully recognised. The numerous technical and locational requirements that limit potential sites and dictate the design of an installation are also appreciated. However, paragraph 117 states that applications for such development including prior approval should be supported by the necessary evidence to justify it. The search area shows there is scope for alternative sites and given the likely damage to trees the justification for the chosen location is lacking in this case. Consequently, the undoubted public benefits of improved digital communications do not outweigh the harm to the character and appearance of the area and the conflict with Policy CH3 of the Crawley Borough Local Plan 2015 which requires proposals to relate sympathetically to their surroundings.
9. The appeal should therefore be dismissed.

David Reed

INSPECTOR

¹ The location of the appellant's photomontages do not include a number of clear views of the site.