



Appeal Decision

Site visit made on 26 August 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 OCTOBER 2022

Appeal Ref: APP/L5240/W/21/3280438

**Area of footpath at junction of Beulah Hill (A215) & Wedgwood Way,
London SE19 3ES**

- 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 appeal is made by Hutchinson 3G UK Limited against the decision of London Borough of Croydon.
 - The application Ref 21/02239/PA8, dated 30 April 2021, was refused by notice dated 23 June 2021.
 - The development proposed is the erection of a 15-metre-high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Order under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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. My determination of this appeal has been made on the same basis.
3. On 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. The timescales are such, that both main parties have had the opportunity to consider the proposed development against the revised Framework. I have had regard to the Framework in reaching my decision.

Planning Policy

4. The principle of development is established by the Order, and the provisions therein do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance, and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed development on 1) the character and appearance of the area, 2) the living conditions of occupants of nearby residential properties with regard to outlook, and 3) highway safety.

Reasons

Character and appearance

6. The appeal site comprises a section of footpath on Beulah Hill close to its junction with Wedgewood Way. The surrounding area is predominantly made up of residential properties. The appeal site is separated from the properties on Wedgewood Way by a strip of open space that contains bushes and trees. This area of open space descends towards the properties on Wedgewood Way. The appeal site is close to an existing street-lighting column that is 9.5m in height. The most prominent trees in close proximity to the appeal site are those at the bottom of the sloping area of open space, adjacent to the rear garden of no. 1 Wedgewood Way. They are approximately 13m in height.
7. Although the existing trees would provide an element of screening, the appeal site is located next to a section of the open space where there is a noticeable gap in tree cover. The most prominent trees are at the foot of the sloping area of open space and set-back from the location of the proposed equipment. The trees that are broadly on the same line as the proposed equipment are around 8m in height. The position and height of the trees is such that there would only be limited screening from certain viewpoints.
8. The proposed monopole, at 15m in height, sited forward and higher than the largest trees, would be hugely visually prominent. It would also be significantly higher and thicker than, and a noticeably different shape to, the adjacent street lighting column. It would therefore, as a result of its scale and design, be highly visible from long range views along Beulah Hill and also be visible above the houses at a lower level from within Wedgewood Way. Due to its overall scale, siting, and design, it would represent an incongruous and dominant addition adversely affecting the character and appearance of the area.
9. For the reasons set out above, the mast would cause significant harm to the character and appearance of the area. The proposal would be contrary to Chapter 10 of the Framework, which requires, amongst other things, that equipment on new sites to be sympathetically designed and camouflaged where appropriate.
10. The proposed development would also be contrary to Policies SP4 and DM10 of the Croydon Local Plan (2018) and Policies D3 and D4 of The London Plan (2021). Collectively, these policies require that development is of high-quality design that responds to local character.

Living conditions

11. The Council, in the Officer Report, consider that due to its size, the proposed development would harm the living conditions of occupants of residential properties to the rear in terms of outlook.

12. The properties on Wedgewood Way sit at a lower level than the appeal site and I was able to view the location of the proposed monopole from the windows in the rear, and from the rear garden of one of these properties.
13. The proposed monopole, due to its height, scale, and appearance, would appear highly prominent when viewed from the rear of these properties and their gardens. Its prominence would be exacerbated by its elevated siting. It would appear overbearing, particularly when viewed from no. 3 Wedgewood Way, where there would be a direct line of sight, with limited landscape screening at this point on the intervening land.
14. For the reasons set out above, the mast would cause significant harm to the living conditions of surrounding residents in relation to outlook. In this regard, it would be contrary to Policies SP4 and DM10 of the Croydon Local Plan (2018). These policies require, amongst other things, that the amenity of occupiers of adjoining buildings are protected.

Highway safety

15. The proposed equipment would be installed on the existing footpath. The evidence shows that a width of 1410mm would be retained from the roadway at the narrowest point. An unspecified section of this width however would be taken up by the kerb, which would not be appropriate to be used by footpath users.
16. The proposed development would unquestionably reduce the width of the footpath that is available to pedestrians and wheelchair users. Due to the siting of the equipment, it would push footpath users markedly closer towards the roadway and the vehicles using it and I consider that the resulting footpath width would create a less safe environment for footpath users, particularly wheelchair users. This is despite the affected section of footpath being around 6m in length.
17. Although the appellant has confirmed that the cabinet doors would open 180 degrees and thus not open onto the footpath, there would nevertheless be an inevitable further reduction in the footpath width caused by operatives accessing the cabinets. I acknowledge, however, that the appellant states this would typically be for 1 or 2 occasions per year and thus having a limited impact in terms of frequency.
18. I observed on my site visit that a nearby installation of cabinets at the junction of Beulah Hill and Convent Hill had been recessed into the strip of open space to maintain a continuous footpath width.
19. The Council consider that the proposed equipment, by reason of its siting and appearance would represent an undue distraction to motorists. Notwithstanding my findings on the other main issues in the appeal, the proposed equipment would be one of many installations that drivers would be exposed to on a typical journey. There is nothing in the installation that would be visually striking or unusual, and I therefore do not consider that it would create an unsafe distraction to motorists.
20. Nevertheless, the impact on pedestrian and footpath user safety due to the resulting footpath width weighs against the proposed development, and in this regard, it would be contrary to Policy DM29 of the Croydon Local Plan (2018)

which requires that developments do not have a detrimental impact on highway safety for all users.

Other Matters

21. The Framework and The London Plan (2021) outline the significance of high-quality telecommunications infrastructure including in relation to being essential for economic growth and social well-being. This is echoed in the joint correspondence from DCMS and MHCLG (27 August 2020), a copy of which has been submitted by the appellant. These factors weigh strongly in favour of the proposed development.
22. I also acknowledge the appellant's sequential approach to site selection that has been undertaken as required by the Framework. This similarly weighs strongly in favour of the proposed development.

Planning Balance and Conclusion

23. I do not consider that the public benefits of the installation in terms of an enhanced telecommunications network, its contribution to economic growth, and the operational and locational needs of the operator, outweighs the collective harm that I have identified to the character and appearance of the area, the living conditions of occupants of surrounding residential properties, and highway safety.
24. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR