



Appeal Decision

Site visit made on 31 October 2022

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 NOVEMBER 2022

Appeal Ref: APP/L5240/W/21/3283398

Riding Hill, Sanderstead, Croydon, London CR2 9LE

- 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 CK Hutchison Networks Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03673/PA8, dated 18 April 2021, was refused by notice dated 2 September 2021.
 - The development proposed is a 15m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The name and address of the applicant on the application form and the name and address of the appellant on the appeal form are inconsistent. The appellant has confirmed that the inconsistency arose due to an administrative error and that the applicant and the appellant are the same - CK Hutchison Networks Ltd. I have used this information in the banner heading above.
3. A prior approval appeal should not be determined, expressly or otherwise, on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004 or as though the development plan must be applied. The principle of development is established through the grant of permission by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
4. The provisions of the GPDO, 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 this basis.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternative locations.

Reasons

6. The appeal site is located on a small piece of landscaped open space at the junction of Limpsfield Road and Riding Hill, to the south of a large supermarket and to the north of some detached houses. It is a predominantly grassed area of open space, with a footpath through it, roughly parallel to the supermarket. A row of semi-mature trees and hedges largely screen the supermarket from views from Riding Hill, and there are two further trees, some unrelated equipment cabinets and some small street signs on the western part of the open space, towards Limpsfield Road.
7. Limpsfield Road is a busy road that serves as a bus route and provides vehicular access to the supermarket. There is a bus layby next to the supermarket on Limpsfield Road near the appeal site, with a raised planter bed containing several tall trees that largely screen the layby in views from the west.
8. On the western side of Limpsfield Road is a large, predominantly grassed area of open space, with various semi-mature and mature trees along its eastern and southern boundaries. To the south of the appeal site and on both sides of the road there are garden-fronted houses of various sizes and designs. There are also regularly spaced lampposts on both sides of Limpsfield Road, to the north and south of the appeal site.
9. Riding Hill is a much smaller side road that serves a housing estate to the southeast of the supermarket and contains smaller regularly spaced lampposts. A single storey dwelling, 2 Riding Hill, faces towards the supermarket, around twenty-five metres to the south east of the proposed mast. The side elevation of 97 Limpsfield Road would be opposite the site of the proposed mast, with its hedged rear garden extending towards 2 Riding Hill.
10. To the west of the appeal site is Village Way, a narrow residential road separating the large area of open space from the housing on the western side of Limpsfield Road.
11. The appeal development would be a 15 metre high telecommunications mast including a 'wrap-around' cabinet at its base, together with three separate ancillary equipment cabinets to the east. It would be positioned on grass to the south of the footpath through the open space with the mast some 20 metres to the east of the carriageway of Limpsfield Road and five metres north of the carriageway of Riding Hill.
12. Pedestrian movement through this open space would be largely unaffected by the appeal development due to its grassland position next to a footpath. The appellant has endeavoured to position the mast to minimise its visual impact as far as possible, and the tall trees and lampposts provide a sympathetic context to the proposal in medium and longer distance views. The nearby trees would also offer partial screening in certain views, although this would be reduced in the late autumn, winter and early spring.
13. However, the height of the proposed mast would be significantly greater than the nearby dwellings, lampposts, trees and supermarket. This would make it a visually prominent feature at the junction of Riding Hill and Limpsfield Road, readily visible and incongruous in short distance views from both streets, and from Village Way to the west.

14. Whilst the landscaped open space containing the appeal site contains some equipment cabinets and small traffic signs at its western end, the scale and massing of the proposed development would have a significantly greater visual impact and would be a visually intrusive and harmful feature.
15. From the evidence the appellant has followed a sequential approach to options and site selection and various alternative sites nearby have been considered and rejected. However, this is not an extensive list and little detailed information has been provided to show the alternative sites and why they were considered unsuitable.
16. Some of the wording in the appellant's evidence is also contradictory in places, such as the description of the area containing the appeal site. The site is said to be located in a densely packed residential area¹; this is not a description that I recognise from my observations on site.
17. Furthermore, in paragraph 3.15 of the Grounds for Appeal document, which concerns the Appeal Site / Context, reference is made to land owned by The Chalk Hills Academy. This is not mentioned on the site specific supplementary information document, or by the Council, and does not seem to be relevant to this proposal.
18. The cumulative effect of this is to reduce my confidence in the robustness of the appellant's approach to site selection in this case.
19. Although not part of my determination, I note that in so far as it relates to the matters contained under relevant parts of Schedule 2, Part 16, Class A of the GPDO, the proposal would conflict with Policies SP4 (urban design and local character) and DM10 (design and character) of the Croydon Local Plan 2018. The National Planning Policy Framework 2021 (the Framework) is a material consideration with regard to relevant parts of Schedule 2, Part 16, Class A of the GPDO and the proposed development would conflict with the Framework in this regard.
20. For these reasons the siting and appearance of the proposed development would cause some harm to the character and appearance of the area and I am not satisfied that the need for the installation to be sited as proposed has been demonstrated, taking into account potentially suitable alternative sites.

Other Matters

21. Reference has been made to various social, economic and environmental benefits and I note that the appellant has submitted a declaration of conformity with the public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP). However, these matters have not been taken into account in considering the matters of siting and appearance.

Conclusion

22. For the reasons given above, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

¹ Page 9 Site Specific Supplementary Information