



Appeal Decision

Site visit made on 29 November 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 DECEMBER 2022

Appeal Ref: APP/L5240/W/22/3295591

Rockhampton Road, Croydon, London CR2 7AF

(Grid Ref Easting: 533138; Grid Ref Northing: 163738)

- 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 GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/04896/PA8, dated 17 September 2021, was refused by notice dated 15 November 2021.
 - The development proposed is 15.0m phase 8 monopole c/w wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description and location of the development from the planning application form as this accurately represents the proposal.
3. Because this is an application for prior approval, the provisions of the GPDO 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. This appeal will be determined on the same basis.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. However, I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

6. The mast and cabinets would be located in a grass verge between Rockhampton Road and the pavement. The appeal site is located in the vicinity

of a mixture of community uses, including a school, meeting facility and church. However, the wider area is of a pleasant residential suburban character.

7. There are a number of mature trees in the area, although those closest to the appeal site are within the boundary of the nearby school. There are also a number of recently planted trees within the verge, but these are not of a significant height and will take some time to mature. The trees may provide a degree of screening in views from the surrounding area. However, the mast and associated cabinets would be free-standing structures located within the verge and would be distinctly separate from the trees and boundary treatments. The proposal would therefore be prominent in views along the streetscape as well as when approaching from a footpath leading past the church. Due to this prominence and their clumsy freestanding placement, the mast and cabinets would appear as intrusive clutter within the streetscape.
8. The appeal site would not be unduly intrusive in views from residential properties. However, the community facilities adjacent to the site would generate a high footfall, and the appeal site is therefore within a prominent location within the public realm of the area.
9. The appellant refers to numerous elements of street furniture with similar vertical lines that will allow the proposal to visually assimilate with its surroundings. However, the proposal would be of a greater height and bulkier design than the man-made vertical features that exist in the area, such as street lights and telegraph poles, and these features do not therefore establish a context which would mitigate for the siting and appearance of the proposal.
10. The appellant states that the associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval and should not be considered as a reason for refusal. However, I am not persuaded that there is a greater than theoretical possibility that the installation of the cabinets on their own in this location may occur. My concerns in respect of the main issue and the siting and appearance of the proposal as a whole remain.
11. I conclude that the proposal would lead to significant harm to the character and appearance of the area due to its siting and appearance. The proposal would therefore be contrary to policies SP4 and DM10 of the Croydon Local Plan 2018 which seek to ensure that proposals are of a high quality which respects and enhances local character, and contributes positively to the public realm and townscape, amongst other things.

Other Matters

12. Paragraph 117 of the Framework sets out that evidence must be supplied to demonstrate that alternatives have been taken into consideration. The appellant has undertaken a sequential approach to site selection with all the alternatives discounted. The appellant indicates that no site sharing or opportunities on existing structures are available, although this is only set out in general terms.
13. The appellant also refers to a number of discounted options in the designated search area, although one of the options was discounted on the basis that the land was not adopted. This indicates that the site selection process focussed on

adopted land. The intended 5G cell covers a densely packed residential area, and it is logical that the mast would need to be sited away from sensitive features including housing. However, the appellant's consideration of other locations would appear to be unduly limited, and I am not persuaded that the appellant has demonstrated that this visually harmful location is the only feasible option.

14. I am mindful of the economic and social benefits of providing and enhancing electronic communication infrastructure. The appellant emphasises that the 5G service provides faster speeds and handles large amounts of data. Furthermore, paragraph 114 of the Framework advises that advanced, high-quality and reliable communication infrastructure is essential for economic growth and social well-being and that the expansion of electronic communication networks, including next generation mobile technology (such as 5G), should be supported. These matters weigh in the proposal's favour. However, it has not been demonstrated that these benefits would not be possible on sites in the vicinity of the appeal proposal which are more suitably located in respect of character and appearance.

Conclusion

15. Based on the evidence before me, it has not been demonstrated that the appeal site is the only viable solution with regards to supporting high quality communications. I conclude that the benefits of the installation in terms of an enhanced telecommunications network would not outweigh the significant harm that I have identified to the character and appearance of the area. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR