



Appeal Decision

Site visit made on 24 January 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 FEBRUARY 2023

Appeal Ref: APP/L5240/W/22/3298728

London Road street works, London Road, Croydon CR0 2TF

- 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 Three, CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/06037/PA8, dated 3 December 2021, was refused by notice dated 26 January 2022.
 - The development is described as "proposed new 19m high Phase 8 3HG street pole and associated 3no equipment cabinets (colour Green-6009) are proposed to be located on the pavement adjoin London Road, Croydon".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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 the same basis.
3. 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. Nevertheless, I have had regard to the policies in the Croydon Local Plan 2018, adopted 2018 (CLP), The London Plan: The Spatial Development Strategy for Greater London, adopted 2021 (LP) and the National Planning Policy Framework (NPPF) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area and, if any harm would occur, whether it is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

Character and Appearance

5. London Road is a busy thoroughfare with a mix of retail, commercial and residential uses occupying both sides of the street. Buildings predominantly abut the back edge of the pavement and vary in height, with some comprising tall buildings. The appeal site is a section of pavement located in front of a building known as Zodiac Court. Zodiac Court is an extensive building consisting of a variety of heights, including a residential apartment block, all with flat roofs. The building is sited at varying distances from the back edge of the pavement, resulting in a wide forecourt that is demarcated from the pavement by interspersed, low-level bollards.
6. The proposed mast and its associated cabinets would be located in a row adjacent to the existing bollards. It would be sited in close proximity to an existing lamppost that is positioned on the opposite side of the pavement, adjacent to the road. An existing street tree is also located in close proximity but is relatively young and therefore not of a substantial height. The proposed mast, at 19m in height, would be significantly taller than the existing lamppost and tree, as well as the part of Zodiac Court immediately behind the appeal site. Therefore, these features would not reduce the visual impact of the mast.
7. The proposed mast and equipment cabinets would not be located adjacent to an existing building or boundary treatment. Instead, they would be positioned in front of the open forecourt of Zodiac Court, in an exposed location within the middle of the open space created by the forecourt and the pavement, resulting in a prominent addition to the street. The scale and siting of the proposed development would also dominate views along London Road. It would therefore appear incongruous and would cause harm to the character and appearance of the surrounding area.
8. The appeal site may not have any particular land designation or identified sensitivity, however, despite this, I have nevertheless identified that harm to the character and appearance of the surrounding area from the siting and appearance of the proposal would result.
9. Painting the equipment black would reflect the colour of the existing lampposts, but this would not overcome the harm I have found in respect of the development's siting and appearance.
10. Insofar as they are a material consideration, the proposed development would be contrary to the aims of Policies SP1, SP4 and DM10 of the CLP and Policy D3 of the LP. Amongst other things, these policies seek to ensure that all new developments contribute to a sense of place and improve the character of the area, respect and enhance local character and contribute positively to the public realm. It would also be contrary to the NPPF which seeks to achieve well designed places.

Alternative Sites

11. Paragraph 117 of the NPPF, requires telecommunications development to be supported by evidence to justify it including, if proposing a new telecommunications mast, evidence that there are no existing buildings, masts or other structures on which the proposed apparatus can be sited. This approach is also detailed within Policy DM33.1 of the CLP.

12. I acknowledge that the technical and operational requirements of the 5G service means that the target service area can be small. I also accept, for technical and operational reasons, that the potential to erect antennas on existing buildings, masts or other structures can be limited and subject to constraints.
13. The submitted evidence depicts the locations of some existing telecommunications equipment in the area, however, an existing mast closer to the appeal site and on the corner of London Road and Chatfield Road is not referenced. No detailed reference is made to existing buildings in the area, some of which are of considerable height. Furthermore, the owner of a building has commented to say that they would be willing to have a mast on their roof and they were not approached by the appellant. Therefore, such options have been discarded in favour of new ground-based options without evidence of clear or robust reasoning.

Other Matters

14. The NPPF supports high-quality communications infrastructure, and considers that advanced, high quality, reliable communications infrastructure is essential for economic growth and social well-being. I also note that policies and decisions should support the expansion of the communications networks, and that the delivery of 5G infrastructure is specifically referenced. However, I must balance this against the acceptability of the siting and appearance of the proposal, and I have identified harm in that regard.
15. The proposal would meet the International Commission on Non-Ionising Radiation Protection guidelines. However, an absence of harm in relation to these matters weighs neither for nor against the appeal proposal.
16. I have been directed to an appeal decision¹ against the Council of the London Borough of Southwark that allowed a 20m high monopole. Other than the appeal reference number, I have been provided with limited information. Notwithstanding this, I note that the Council refused the application on the grounds of excessive clutter on the footway resulting in disruption to pedestrians, which differs to the main issues associated with this appeal. Therefore, the appeal is not of direct relevance. Furthermore, each case must be determined on its own merits.

Balance and Conclusion

17. The proposed development would adversely affect the character and appearance of the surrounding area. Limited justification for the discounting of alternative locations has been provided, with little evidence submitted to support assertions that other options are unavailable or unsuitable. Accordingly, based on the evidence before me, the identified harm is not outweighed by the need for the installation to be sited in the proposed location.
18. For the reasons given above, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR

¹ Appeal Ref: APP/A5840/W/20/3254830