



Appeal Decision

Site visit made on 21 March 2023

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/P3610/W/22/3304525

Proposed site of telecommunications mast and equipment, Cromwell Road, Worcester Park, Surrey KT4 7PY.

- 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 & 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 Epsom and Ewell Borough Council.
 - The application Ref 22/00561/T56, dated 29 April 2022, was refused by notice dated 23 June 2022.
 - The development proposed is a 15m 'slim line' high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the decision notice. Although different wording is used, the location is consistent with that shown on the appeal form.
3. The description of development used above is taken from the decision notice. It is consistent with the description used in paragraphs 1.1 and 1.3 of the appellants statement of case and consequently no party would be prejudiced by its use.
4. The Council has referred to development plan policies and the National Planning Policy Framework (the Framework) in its decision notice. However, the principle of development is established by the GPDO, and the provisions of Schedule 2, Part 16, Class A of the GPDO does not require regard be had to the development plan. I have had regard to the policy of the development plan and the Framework only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

5. I am satisfied that the proposal complies with the relevant limitations and restrictions set out in the GPDO. However, development under Part 16, is subject to a condition that the prior approval of the Council must be sought for the siting and appearance of the development.
6. Consequently, the main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site is located within a predominantly residential area. The area is characterised by 2 storey buildings aligned along Cromwell Road, and Worcester Park Road, set a modest distance back from the carriageway. Development currently being undertaken to the north of Old Malden Lane has introduced a range of new properties into the area, including medium rise development. The built environment is softened by tree covered open spaces to the north and east, and existing vegetation within residential gardens, on the frontage of the adjacent pub/restaurant, within the grounds of Linden Bridge School, and on highway verges.
8. The proposed development would be sited at the junction of Worcester Park Road, Cromwell Road and Old Malden Lane, on a highway verge. The verge contains two 8m high lighting columns, a traffic sign and several other low-level items of street furniture. Beyond the verge, within the curtilage of the pub/restaurant, there is a pub sign measuring approximately 5m in height.
9. When viewed from the surrounding area the mast would be seen against the backcloth of the tall trees located in the area and consequently its visual impact would be mitigated, to a degree. However, given its height and design, I am in no doubt that the mast would still be seen as a prominent feature by road users and pedestrians as they approached the junction of Worcester Park Road, Cromwell Road and Old Malden Lane. Moreover, it would be a conspicuous and incongruous feature when viewed from the residential properties located close to the junction.
10. I note that the mast would consist of a 15m high 'slim line' street pole and would be coloured green RAL-6011. Nonetheless, I find that it would be much taller and bulkier than the lighting columns, street furniture and advertisements that lie nearby. Its height and width would set it apart from other street furniture. Consequently, I find that the proposed mast would appear as an intrusive feature that would harmfully detract from the character and appearance of the area.
11. I have taken into account the appellant's desire to improve digital wireless mobile coverage within the area, with new equipment that facilitates 5G coverage. In this regard I note that the Council has not disputed the appellant's need for improved coverage. I see no reason to take a different stance.
12. In order to facilitate this improvement, the appellant has identified a number of alternative sites, which they have considered and discounted for various reasons. The Council have not contested the area of the search, the alternatives considered, or made alternative suggestions. That said, a number of alternative locations have been suggested by local residents, including land at the top of Worcester Park Road, along Old Malden Lane, on the Surbiton Raceway car park and on the rear car park of the pub/restaurant.
13. I have considered the alternative sites assessed by the appellant, as set out in paragraph 4.5 and figure 2 of their statement. I accept that the search area is limited due to technical constraints, and the proposed site lies on its northern extremity. I also recognise that a number of the alternative options suggested by local residents fall outside the search area. That said, I am unable, with any certainty, to assess whether the alternative locations considered are the only ones available.

14. Notwithstanding the above, the appellants indicate that had the Council weighed up the perceived levels of harm to amenity against economic and societal benefits they would have concluded the balance was in favour of support for such development.
15. In this regard I note the support in the Framework for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also acknowledge that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.
16. For the reasons set out above, I do not consider that the appeal proposal has been sympathetically designed as required by the Framework. Moreover, I have concluded above that the development would be harmful to the character and appearance of the area, and do not consider that harm to be outweighed by the support in the Framework for high quality communications, when weighed against the development plan harm and the wider requirements of the Framework.
17. Insofar as it is a material consideration, the proposal would be contrary to the aims of Policy CS5 of the Epsom and Ewell Borough Council - Core Strategy 2007 - Local Development Framework and Policies DM9, DM10 and DM18 of the Epsom and Ewell Borough Council - Development Management Policies Document 2015. These policies, amongst other things, require high quality, and inclusive, design where the height, scale and appearance of the development is compatible with character and distinctiveness of the street or area within which it is located.

Other Matter

18. Concerns have been raised about potential effects on health, particularly given the proposed masts proximity to residential properties. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conclusion

19. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

John Gunn

INSPECTOR