



Appeal Decision

Site visit made on 23 May 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/Q3820/W/22/3298832

Area of grass lying off St Leonards Drive, Furnace Green, Crawley, RH10 6QN

- 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 Great British Communication against the decision of Crawley Borough Council.
 - The application Ref CR/2022/0045/TEL, dated 24 January 2022, was refused by notice dated 22 March 2022.
 - The development proposed is a 5G telecoms installation: H3G Phase 8 18m 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. The principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. However, in determining this appeal, I have had regard to the advice set out in Policies CH2, CH3, CH12, CH13, IN1 and IN5 of the Crawley Borough Local Plan 2015-2030 (Local Plan), the Council's Urban Design Guide Supplementary Planning Document 2016 (SPD) together with the National Planning Policy Framework (the Framework) in so far as they are a material consideration relevant to the matters of siting and appearance.

Main Issue

3. The main issue is the effect of the appeal proposal on the character and appearance of the area, including the Forestfield and Shrublands Conservation Area.

Reasons

4. The appeal site lies within the Forestfield and Shrublands Conservation Area (CA). Therefore, in determining the appeal, Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA.
5. The CA comprises of two adjoining housing estates. Characteristic of the late 1960's, early 1970's, the estates contain several common features including architectural style, materials, layout of the buildings and the relationship of buildings to landscaping and open space. In this regard, the wide-open verge

which runs along St Leonards Drive is a notable feature of the locality and, together with the other areas of green space positively contributes to the significance of the CA.

6. The appeal site is located on an open area of highway verge on the southern side of St Leonards Drive which is bisected by an asphalt pavement. The proposal relates to the installation of an 18-metre telecommunications monopole and wrap-around cabinet together with three equipment cabinets. The equipment would be set in a line, parallel to the road and side elevations of the adjacent properties and positioned between the existing trees that lie either side of the appeal site area. I observed on my site visit that there are three existing lighting columns, a telecommunications cabinet and BT inspection chamber cover located within the immediate area.
7. Although the existing vertical features would provide a degree of verticality, the proposed monopole would exceed the height of these structures by a significant margin and would thus appear conspicuously tall within the context of its immediate surroundings. I recognise that the nearby trees would soften the visual effects of the proposal. However, given that these are evenly spaced and of limited height and maturity, they would not adequately screen the installation such that the harm arising from the height of the proposal would be adequately mitigated. Consequently, whilst the equipment has been designed to fit alongside existing street furniture and would not be uncharacteristic of more urban locations, the proposed monopole would read as a highly prominent and obtrusive addition to the street scene, particularly in the winter months when the tree canopies are reduced.
8. Furthermore, despite being referred to by the appellant as slimline, the proposed monopole would be substantially wider than the other structures in the immediate area whilst the associated ground-based cabinets would extend further along the verge. As such, the overall installation would result in a bulkier form of development which would add to its prominence within the street scene. The position of the proposal close to the roadside, existing dwellings and the network of footways which provide access to the nearby Tilgate Park and Maidenbower would further contribute to the visual dominance of the proposal as perceived by passing drivers and pedestrians.
9. For these reasons, I find that the proposed development, by virtue of its siting and appearance would read as an unsympathetic and incongruous addition to the street scene. Moreover, the introduction of the proposed development on the grass verge would result in the undesirable proliferation of clutter on an otherwise open verge and in doing so, would erode the openness of the CA. Consequently, the appeal development would fail to preserve or enhance the character or appearance of the CA.
10. I am advised that alternative sites were considered. However, they were subsequently discounted for reasons including narrow pavements and proximity to residential properties. Nevertheless, there is limited detail before me to sufficiently justify why these factors would prohibit the proposed installation in these locations. Indeed, similar to the alternative sites put forward, it is noted that the proposed installation would be overlooked by residential properties which in my view weakens the appellant's case. Therefore, notwithstanding the radius constraints of 5G cells and lack of mast/site sharing opportunities, based on the

available evidence, I cannot be certain that the proposed installation could not be provided in a less harmful location elsewhere in the locality.

11. In reaching my decision, I recognise the potential economic and social benefits of the proposal and the support given by the Framework to advanced, high quality and reliable communications infrastructure, including 5G networks, and their contribution to economic growth and social well-being. In addition, there is no basis to question the appellant's submission that the equipment is necessary to achieve the required standard of 5G network coverage, or that the mast's dimensions are the minimum possible. I also note the inclusion of the ICNIRP certificate.
12. In determining the appeal, I am required to give considerable importance and weight to the harm identified to the significance of the heritage asset, which in this case would be less than substantial in the Framework's terms given the small-scale nature of the proposal. In these circumstances, the Framework requires such harm to be weighed against the public benefits.
13. In this case, whilst the need for the development together with the public benefits of the proposal including enhanced communication and the associated social and economic effects weigh in favour of the proposal, it is my overall view that they do not outweigh the considerable harm that the mast would cause to the significance of the CA, to which I attach great weight.
14. Therefore, in so far as they are a material consideration, I find that the proposal would be inconsistent with the Framework, Local Plan Policies CH2, CH3, CH12, CH13, IN1 and IN5 and the Council's Urban Design SPD. Amongst other aspects, these documents seek to ensure that proposals respond to and reinforce locally distinctive patterns of development, create attractive and uncluttered spaces, preserve or enhance heritage assets and minimise the proliferation of masts across the borough.

Other Matters

15. Mention is made by the appellant to the lack of response from the Council in relation to their pre-application enquiry submitted on 17 December 2021. Whilst it is unfortunate that the Council's concerns were not known at an in advance of the submission, based on the evidence, it appears to me that there was limited opportunity for the Council to provide a considered response given the Christmas closure of the Council Officers. That said, the lack of response has no bearing on my considerations of the merits of the appeal proposal.
16. The Council's appeal statement indicates that the appeal site falls within the Sussex North Water Resource Zone. For the reasons outlined above, I find that the scheme is unacceptable and therefore in dismissing the appeal, it has not been necessary for me to consider the effect of the proposal on the Arun Valley protected sites.

Conclusion

17. For the reasons given above, the appeal is dismissed.

H Wilkinson

INSPECTOR