



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: 19 July 2023

Appeal Ref: APP/Q3820/W/22/3299300

Land off Pallingham Drive, Pallingham Drive, Crawley, RH10 7LF

- 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 Hutchison 3G (UK) Limited against the decision of Crawley Borough Council.
 - The application Ref CR/2021/0902/TEL, dated 6 December 2021, was refused by notice dated 7 February 2022.
 - The development proposed is the installation of a new 15m monopole tower, associated radio-equipment housing and ancillary development hitherto.
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Decision

1. The appeal is dismissed.

Procedural Matter

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 Policies CH2 and CH3 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 Issues

3. The main issues are the effect of the proposed development by reasons of its siting and appearance on:
 - the character and appearance of the area;
 - the living conditions of the occupants of No 6 Bowater Road with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site occupies a prominent location on Pallingham Drive – one of the main routes through the residential area of Maidenbower. The surrounding area is predominantly residential and is characterised by two storey dwellings of a

fairly consistent scale and appearance. The regularity of the development pattern, abundance of greenery, grassed verges and scarcity of street furniture provides for a largely open and uncluttered street scene which positively contributes to the character and appearance of the area.

5. The proposed monopole and three cabinets would be located to the rear edge of the existing footway running along Pallingham Drive and would be sited close to an existing lighting column and road traffic sign. Although these are vertical features, the proposed monopole would exceed the height of these structures by a significant margin and would also tower above the ridge of No 6 Bowater Road. Thus, it would appear conspicuously tall within the context of its immediate surroundings.
6. Furthermore, despite being referred to by the appellant as slimline, the proposed monopole would be substantially wider than the other vertical structures in the immediate area whilst the associated ground-based cabinets would extend further along the footway. As such, the overall installation would result in a bulky and prominent development. The position of the proposal close to the roadside, and a roundabout junction would further contribute to the visual dominance of the proposal as perceived by passing drivers and pedestrians. Moreover, the introduction of the proposed development and removal of the grass verge would erode the open and verdant character of the area and result in the undesirable proliferation of clutter on a generally open footway.
7. 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. Consequently, the appeal development would harm the character and appearance of the area.
8. In coming to this view, I acknowledge that the ground-based equipment has been designed to fit alongside existing street furniture and would, by virtue of its external finish be generally in keeping with the existing telecommunication cabinets located further down the road. I also note that the appeal site is not located within a Conservation Area, is not subject to any Tree Preservation Orders or located within proximity of any listed buildings or other heritage assets. Furthermore, I appreciate that there are mature trees located within the area and note the appellant's mention of the nearby three/four storey flatted development. However, these features are not located within immediate proximity of the appeal site and thus would have limited effect in assimilating the development into its surroundings.
9. The appellant submits that there is a need to provide improved 5G coverage within the area of the appeal site. However, insufficient detail regarding the existing cell coverage has been provided and therefore it is difficult to fully understand the extent of the search area. I am advised that alternative sites were considered however they were subsequently discounted for reasons including land ownership, highway safety and the proximity of the site to an existing school, residential dwellings, and infrastructure/buried services. Nevertheless, there is limited detail before me to sufficiently justify why these factors would prohibit the proposed installation in these locations.
10. For instance, whilst indicating that land ownership would prevent the proposed installation, there is a lack of substantive evidence to clearly demonstrate that the acquisition of privately owned land would not be possible. In addition, the

siting of the appeal proposal adjacent to No 6 Bowater Road undermines the justification put forward by the appellant in relation to the alternative sites and their proximity to residential dwellings. Therefore, based on the available evidence and notwithstanding the limited radius of 5G cells and lack of mast/site sharing opportunities, I am not persuaded 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 economic and social benefits of the proposal. I also acknowledge 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. However, whilst the general need for the development is an important consideration, in this particular case the need to locate it on this particular site has not been demonstrated.
12. 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 and CH3 and the Council's Urban Design SPD. Amongst other aspects, these seek to ensure that proposals respond to and reinforce locally distinctive patterns of development, create attractive and uncluttered spaces and minimise the proliferation of masts across the borough.

Living conditions

13. The proposal would be located adjacent to the side elevation of No 6 Bowater Road and would be separated by an intervening boundary fence and hedge. Notwithstanding the proximity, I observed on my site visit that the main outlook from the dwelling is to the front (driveway) and back (garden). There are no windows located in the Pallingham Drive elevation.
14. Whilst I accept that the proposed monopole would be visible from the driveway, it seemed to me that views from within the property would be limited due to the siting of the proposal and the oblique angle of view. Sight of the proposal from the rear of the property including the private garden area would be extremely limited for the same reason. Therefore, notwithstanding my overall finding, I have no reason to conclude that the proposal would unacceptably affect the living conditions of the occupants of No 6 Bowater Road with regards to outlook.

Other Matters

15. Mention is made by the appellant of the lack of response from the Council in relation to their pre-application enquiry submitted on 23 November 2021. Given that the prior approval application was submitted shortly after on 6 December 2021, it appears to me that the Council would have had limited opportunity to provide a considered response. That said, the lack of response has no bearing on my considerations of the merits of the appeal proposal.

Conclusion

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

H Wilkinson

INSPECTOR