



Appeal Decision

Site visit made on 29 June 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2023

Appeal Ref: APP/L5240/W/23/3314582

Lime Tree Grove, Addington, Croydon CR0 8HL

- 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 Hutchison 3G UK Limited (commonly known as Three) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/03441/PA8, dated 8 August 2022, was refused by notice dated 5 October 2022.
 - The development proposed is upgrade of the existing installation involving the installation of a 20 metre-high monopole supporting antennas with a wraparound equipment cabinet at the base of the column, the installation of 3 no. equipment cabinets, installation of 1 no. meter cabinet, the removal of the existing 8 metre-high monopole supporting antennas, removal of existing cabinets including relocation of BTS3900A cabinet, and ancillary development thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the proposed upgrade of the existing installation involving the installation of a 20 metre-high monopole supporting antennas with a wraparound equipment cabinet at the base of the column, the installation of 3 no. equipment cabinets, installation of 1 no. meter cabinet, the removal of the existing 8 metre-high monopole supporting antennas, removal of existing cabinets including relocation of BTS3900A cabinet, and ancillary development thereto, at land at Lime Tree Grove, Addington, Croydon CR0 8HL, in accordance with the terms of the application, Ref 22/03441/PA8, dated 8 August 2022, and the plans submitted with it including: 002 Site Location Plan, 200 Proposed Site Plan, and 250 Proposed Shared Elevation A.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 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.

Planning Policy

3. The provisions 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 (the CLP) and the National Planning Policy Framework (the Framework), only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

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

Reasons

Siting and appearance

5. The appeal site comprises the central island of a roundabout junction where several roads meet. The roundabout island is predominantly grass and includes some mature trees and a footpath across it, linking the opposite sides of the road. It is also currently occupied by a mobile telecommunications base station comprising a monopole of approximately 8 metre height and associated equipment cabinets.
6. The surrounding land use is predominantly residential, comprising mainly of 2-storey houses. Some taller 3-storey flats are located slightly further from the site, albeit still visible from it. There is also a public house and a small parade of shops adjacent to the roundabout, and slightly further to the north is a school. A bus stop with lay-by lies directly to the south of the roundabout. In addition to the existing base station, there is also a wide variety of existing street furniture in the vicinity with a strong vertical emphasis, including streetlights and road signs.
7. The surrounding area has a verdant character. In addition to the mature trees on the roundabout there are areas of green space including an area of woodland directly to the south of the roundabout, some publicly accessible green space adjacent to the public house and shops, and several examples of wide, tree-lined verges adjacent to the residential streets.
8. The proposed installation would replace the existing base station on the roundabout, the existence of which means the effects of the proposal would be less pronounced than if no existing equipment was present. However, the proposed monopole would be more than double the height of the existing installation and would also be notably wider, in particular towards the top where the antennae would be housed. It would also be significantly taller than the nearby buildings, street furniture and trees. Whilst the existing trees would provide some screening, any mitigation would be limited by the comparable height of the proposed installation.
9. Although the proposed installation would be sited on a different part of the roundabout and the proposed equipment cabinets would be larger and more numerous than the existing installation, they would be low-level and of similar appearance to much of the existing utility apparatus in the area. Accordingly, these elements of the installation would not significantly affect the character or

appearance of the area. The limited footprint and location away from the main pedestrian route would also not have a significant effect on the functionality of the space. However, the absence of harm in respect of these matters would be a neutral factor that would not weigh in favour of the proposals.

10. Taking account of all matters, the proposed installation by virtue of its height, width, profile and position in a prominent location would appear incongruous and at odds with the appearance of the wider streetscene and the character of the area. Whilst it would have limited direct effect on the living conditions of neighbouring occupiers, due to its discordant scale it would be visible from residential properties and many surrounding public vantage points including the highway network.
11. For the above reasons, the siting and appearance of the proposed installation would result in harm to the character and appearance of the area. Insofar as they are a material consideration relevant to these matters, the proposal would conflict with Policies SP4 and DM10 of the CLP. Together these policies seek, among other objectives, to create a high-quality built environment, and to respect and enhance local character and contribute positively to public realm, townscape and landscape.

Suitable alternative locations

12. Paragraph 118 of the Framework establishes that the need for an electronic communications system should not be questioned. However, paragraph 117 c) of the Framework requires, for a new mast or base station, evidence that the possibility of erecting apparatus on an existing building, mast or other structure has been explored.
13. The appellant has outlined that the proposal is required to replace the existing base station on the roundabout island. Although the proposed installation is significantly larger than that existing, it is stated that any smaller installation would not deliver the necessary improvements in coverage. I have no substantive evidence to reach an alternative conclusion on this matter.
14. A plan showing the target area for coverage and capacity improvements has been provided, with the appeal site sitting almost at its centre. Whilst the target area extends a reasonable radius from the appeal site, it is comprised predominantly of residential streets, with only a small proportion of the area comprising non-residential uses including the aforementioned areas of woodland, public houses, small shopping parades and schools.
15. The appellant has not provided an assessment of any specific alternative sites within the target area. However, given the considerations above, the effects of the installation on any alternative site within the target area would, in all likelihood, be similar or worse than the proposed location which, due to its position at the centre of a roundabout, ensures a reasonable separation from residential properties and other sensitive uses. Accordingly, I am not in possession of any evidence that a preferable location is available.
16. The Council does not consider the proposal comprises a replacement of the existing base station because it is not in the same location. However, the site is very close by on the same roundabout island, and I note the appellant's comment that the location has been moved to give a greater separation from residential properties. In any event, whilst I would not find slightly altering the

location to be a critical factor in defining it as a replacement, this nevertheless appears a valid reason for doing so. Furthermore, the proposal involves relocating and removing some existing equipment, as illustrated on the submitted plans and in the description. These details would be secured through the standard conditions of the GPDO.

17. I have identified harm in respect of the effect of the siting and appearance of the proposal on the character and appearance of the area. Nevertheless, based on the evidence before me, the proposed location appears the most suitable to provide the required improvements to network coverage. In this regard, there would be no conflict with the requirements of Policy DM33 of the CLP, which covers telecommunications development. Furthermore, I give considerable weight to the provisions of the GPDO and the Framework, which establish the acceptance of telecommunications equipment. Accordingly, this outweighs the identified harm.

Other Matters

18. Concerns have been raised about potential effects on human health and the health of wildlife. 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.
19. Interested parties are concerned that the proposal would place the adjacent trees at risk. However, I am presented with no compelling evidence on this matter. Accordingly, it does not weigh significantly against the proposals.
20. I note comments that some local residents were not aware of the application. However, I have no evidence before me to indicate that the Council has failed to undertake its statutory duty of consultation under the terms of the GPDO.

Conditions

21. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

P Storey

INSPECTOR