



Appeal Decision

Site visit made on 15 July 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 August 2025

Appeal Ref: **APP/L5240/W/25/3358336**

Bridle Road, Shirley, Croydon CR0 8HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Cornerstone against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/01802/PA8.
 - The development proposed is the installation of a 20m monopole supporting 6no. antennas and 1no. 300mm dish, the installation of 3no. equipment cabinets and ancillary works thereto.
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Decision

1. The appeal is allowed and prior 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 installation of a 20m monopole supporting 6no. antennas and 1no. 300mm dish, the installation of 3no. equipment cabinets and ancillary works thereto at Bridle Road, Shirley, Croydon CR0 8HQ in accordance with the application 24/01802/PA8 and the details submitted with it including plan nos 'Site Location Maps' 100 Rev. A, 'Proposed Site Plan' 201 Rev. A and 'Proposed Site Elevation' 301 Rev. 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.
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 be had to the development plan. I have had regard to the policies of the Croydon Local Plan (2018) (the CLP), the London Plan (2021) (the LP) and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Preliminary Matter

4. The effect of the proposal on highway safety was not listed as a reason for refusal on the decision notice. However, it was raised as an issue within the officer report. Harm was identified in respect of maintenance vehicles parking on Bridle Road impeding the

free flow of traffic and the effect of the development on any future changes the Highway Authority may wish to make to the highway. In these respects, the Council found conflict with Policies DM29 and DM30 of the CLP. I therefore consider it to be a main issue in this appeal. The appellant had the opportunity to comment on this matter and I have had regard to the comments in their Statement of Case in this respect as part of my determination of this appeal.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on:
 - the character and appearance of the area;
 - the living conditions of existing occupiers having particular regard to outlook;
 - highway safety on Bridle Road; 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

Character and appearance

6. The appeal site relates to a wide grass verge on the eastern side of Bridle Road, which is relatively busy with a wide carriageway. The surrounding area is predominately residential in character and a school is located to the south-east. Close to the appeal site, secondary access streets providing access to the nearby school and residential properties run parallel to the main carriageway on both sides of the street. These are separated by grass verges containing tall and established trees and collectively result in a wide and open aspect street with relatively large-scale road infrastructure. The wide grass verges, street trees and other trees within surrounding residential gardens contribute positively to the character and appearance of the area.
7. Close to the appeal site there are various pieces of street furniture and vertical features, including street lighting columns and road signage positioned near the edge of the carriageways and within the verges. A bus stop is also located on the opposite side of Bridle Road.
8. The appeal scheme proposes the installation of a 20m monopole with associated equipment including 3 cabinets at low level. The plans show the equipment would be set back from the highway within the existing grass verge. The installation would be of a functional design and the plans indicate that the monopole would be taller than existing trees and houses situated on the same side of the road. From my observations on site, surrounding trees would likely provide some screening when in full leaf, and a backdrop against which the monopole would be viewed, but nevertheless, it would still be readily perceivable within short to medium range views.
9. As it would be seen amongst many existing vertical structures and in proximity to buildings and trees, the monopole would not stand out as an isolated or unduly incongruous structure, even though it would be located along a busy road. The upper part of the monopole would protrude above nearby trees and so would be visible

against the sky. However, there are several nearby lighting columns that are tall, in prominent roadside locations and which similarly stand out.

10. Whilst the monopole would be taller and wider than these lighting columns, it would be finished in a similar colour, the antennas atop would have a relatively slimline design and overall, it would not appear alien or unexpected, even when the siting of the development on an open grass verge is taken into consideration. The verge area would continue to provide visual relief to its built-up surroundings, notwithstanding the introduction of the proposed development, and would remain a largely open feature that positively contributes to the street scene. Moreover, even though the monopole would be large scale, given the scale of the surrounding highway infrastructure it would not be disproportionate to the context of the surrounding area and would be perceived as part of the existing ensemble of urban infrastructure in the vicinity.
11. The number of associated ground-based cabinets would not be excessive, and they would be modest in scale. Whilst they would be positioned in a row adjacent to the highway, they would be set back within the verge, clustered together and finished in a green colour to minimise their visual effect. Such cabinets are also typical of the form of structures seen on roadsides and as such, they would not appear as incongruous features on the grass verge or result in a visually cluttered streetscape.
12. For the above reasons, I therefore conclude that the siting and appearance of the proposed installation would not result in harm to the character and appearance of the area. Thus, insofar as they are material considerations, the proposal would comply with Policies D3 and G1 of the LP and Policies SP4 and DM10 of the CLP, which together and amongst other things, require development to respect local character and protect green infrastructure. The proposal would also comply with Section 10 of the Framework, as a material consideration, which supports high quality communications infrastructure.
13. The Council has referred to several other policies such as Policies G4 of the LP and SP8 of the CLP. However, these policies, amongst other things, relate to the protection of public open space and improvements to support enhanced transport networks. Therefore, insofar as they are capable of being material considerations, these policies are not determinative in my consideration of this main issue. The Council has also referred to Policy DM33 of the CLP. However, this policy is applicable to telecommunications development where planning permission is required, and thus, even as a material consideration, this policy is not determinative in this case and does not alter my findings on this matter.

Living conditions

14. The Council states the monopole would be situated approximately 11.8m to the south-west of 93 Links View Road, which is the closest residential property. The monopole would be separated from this property by the pavement and wide highway verge within which it would be located. Whilst the monopole would be a tall structure in relatively close proximity to this dwelling and the antennas atop would add some bulk, it would appear as a relatively slimline feature overall. The monopole would nevertheless be visible from this property; however, it would be offset from the property's windows and the most sensitive part of its garden (which is likely to be the area adjacent to the rear elevation), which would limit the prominence of the installation in views from that dwelling and its garden. Surrounding trees would also assist in filtering views of the installation and I have no evidence before me to suggest

that these trees are likely to be removed in the short term or that their longevity is otherwise at risk.

15. The appeal site is also well-separated from the front elevations of properties on the opposite side of the road and the infrastructure would be viewed across a wide and busy highway with intervening trees. Therefore, given the form of the monopole, its positioning and the degree of separation to nearby properties, it would not be an overbearing or intrusive feature that would unacceptably affect the outlook of surrounding occupiers to the detriment of their living conditions. Similarly, given their scale and siting, the cabinets would not harm the living conditions of any existing occupiers either.
16. For the above reasons, I conclude the siting and appearance of the proposed installation would not result in harm to the living conditions of existing occupiers, having particular regard to outlook. Thus, insofar as they are material considerations, the proposal would comply with Policy D3 of the LP and Policy DM10 of the CLP, which together and amongst other things, require developments to protect the amenity of neighbouring occupiers. The proposal would also comply with Section 10 of the Framework, as a material consideration, which supports high quality communications infrastructure.
17. The Council has referred to policies D6 of the LP and SP4 of the CLP. These policies, amongst other things, relate to specific housing quality standards with which new housing developments should comply and urban design and local character considerations. Therefore, insofar as they are capable of being material considerations, these policies are not determinative in my consideration of this main issue and thus do not alter my findings.

Highway safety

18. As fully described above, the appeal site relates to a grass verge adjacent to the highway. The Council's Transportation team raise concerns in relation to the effect the location of the installation would have on potential future changes to the highway, and the potential that maintenance vehicles might park on the highway, obstructing the free flow of traffic.
19. No substantive evidence has been presented in relation to any current highway improvement schemes or future highway plans, thus, I cannot be certain that there is any realistic prospect that such improvement works may come forward. Therefore, the evidence in relation to the land potentially being required for future highways works, or required for future visibility/sightlines, is not sufficiently precise or persuasive. In this respect, I also note that the Council has not raised concerns about the installation affecting current achievable sightlines for vehicles or pedestrians, and based on the evidence before me, I see no reason to come to a different conclusion on this matter.
20. The appellant has confirmed that maintenance visits to the site would be infrequent and any engineer attending the site would park in accordance with local parking restrictions. From my observations on site, I note that there are no on-street parking restrictions on the appeal site side of Bridle Road at this location. However, the proximity to the bus stop and nearby pedestrian crossing island may deter on-street parking in this location in any event. Nevertheless, while my site visit can only represent a brief snapshot in time, I observed a good level of on-street parking capacity available on nearby side streets and there is no substantive evidence demonstrating what I saw was untypical at that time. Maintenance vehicles could

therefore park in the surrounding area, in relatively close proximity to the site, without obstructing the free flow of traffic or adversely affecting highway safety.

21. The comments from the Transportation team also query whether the correct ownership certificates have been served. However, the application is accompanied by a proof of receipt of a signed and dated statutory planning notice that notified the Council's Highways Maintenance department of the application, which meets the requirements of the GPDO. Moreover, I note the Council has not raised any concerns in this regard.
22. For the above reasons, I therefore conclude the siting and appearance of the proposed installation would not result in harm to highway safety on Bridle Road. Thus, insofar as it is a material consideration, the proposal would comply with Policy DM29 of the CLP, which amongst other things, requires that proposals do not have a detrimental impact on highway safety for pedestrians, cyclists, public transport users and private vehicles. The Council has also referred to Policy DM30 of the CLP, however, given this policy relates to the provision of car and cycle parking it is not determinative in my consideration of this main issue.

Other Matters

23. The Framework sets out that proposals for a new mast should be supported by the necessary evidence, including evidence that shows the possibility of erecting antennas on an existing building, mast or structure has been explored. The evidence indicates that several alternative sites have been considered and discounted for specified reasons such that there are no suitable, available sites within the target coverage area. There is no substantive evidence that challenges the rationale for discounting the alternatives. As such, the appellant has met the requirements of the Framework in this regard.
24. Representations have referred to the opportunity of the appellant to use alternative sites to accommodate the appeal proposal. However, whilst I have taken account of these matters, I have found the siting and appearance of the proposed installation to be acceptable in relation to its effect on the character and appearance of the area, living conditions of existing occupiers and highway safety. Thus, it is not necessary for me to consider the detailed merits of any potential alternative site or the possibility of erecting antennas on an existing building, mast, or other structure. This is the case even though there may be other examples of telecommunication infrastructure in the local area.
25. Interested parties have also questioned the need for the installation, citing adequate local coverage. However, the Framework is clear that advanced, high quality, telecommunications are essential for economic growth. It also sets out that competition between operators should not be prevented, nor should the need for the telecommunications system be questioned.
26. Concerns have been raised about the potential health effects to people and wildlife, including on people with implanted medical devices and long-term health conditions and the proximity of the site to schools and nurseries. 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.

27. In this regard, reference has also been made to two legal challenges. In the Cheltenham Borough Council case¹, which was taken to the Court of Appeal, the conclusion was drawn that a judge had not laid down a general principle that the potential impact of electromagnetic fields on medical implants would *always* be a material consideration for local authorities when considering such prior approval applications. Such a concern is capable of being a material consideration, however, in this case there is no substantive evidence to support the concerns raised by interested parties in this respect.
28. In the Brighton and Hove City Council case, I have only been supplied with a copy of the Consent Order² which states that, amongst other matters, the Council failed to address the health impacts of that particular proposal and to obtain adequate evidence of the assessment of the proximity to a school and the amended proposal during the course of the application. The circumstances of that case are therefore not directly comparable to this appeal scheme. Another example has been cited in Mendip; however, I have not been supplied with the full details of this case, including any relevant decision notice and note the Appellant states that this application was withdrawn. In any event, notwithstanding the comments from interested parties, whilst the health concerns relating to such installations are capable of being a material consideration, there is no substantive evidence to suggest that the ICNIRP guidelines would not be complied with in this case or that a departure from national policy would be justified.
29. There is also a suggestion that the development would violate the rights of local residents under Article 8 of the Human Rights Act 1998. Article 8 ensures respect for people's private and family life, their home and correspondence. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights, and interference may be justified in the public interest. The concept of proportionality is key. However, for the reasons given above I have found that the proposed installation would not cause harm to the character and appearance of the area or living conditions of existing occupiers. Consequently, I am satisfied that a grant of prior approval would not unacceptably interfere with neighbouring occupiers' rights to a private and family life and home. It is therefore proportionate and justifiable in these circumstances to allow the appeal.
30. Reference has also been made to various studies relating to the carbon footprint of digital technology and the effect on climate change. However, no substantive or site-specific evidence has been provided to support this assertion in relation to the appeal proposal. Furthermore, there is no robust technical evidence before me to indicate that the proposed monopole and associated cabinets would lead to an unacceptable increase in carbon emissions.
31. Whilst I understand that noise might be emitted from the cabinets this would be at a relatively low level. Moreover, given the distance from nearby houses and the ambient noise generated by the surrounding highway, the noise generated by the cabinets would unlikely unacceptably harm the living conditions of nearby residential occupiers. Concerns have also been raised about the potential for future upgrades on the site,

¹ Thomas v Cheltenham Borough Council [2025] EWCA Civ 259, [2025] EWCA Civ 259

² CO/3114/2021

however, any future schemes would need to be considered on their own merits, and I must determine this appeal based on the details currently before me.

32. No substantive evidence to demonstrate that the appeal proposal would specifically harm Spring Park Wood, surrounding trees or ecology and biodiversity in the area has been provided. Moreover, I note that the installation would not be located adjacent to any nearby trees or within their crown spread. Interested parties also cite the need for an Environmental Impact Assessment (EIA) and that the proposal should provide Biodiversity Net Gain (BNG). However, there is no persuasive evidence that the proposal would fall within the scope of requiring an EIA or is a category of development where BNG is mandatory.
33. With regard to other concerns raised by interested parties, comments made in relation to wellbeing, environmental impacts, the impact on trees, flood risk, air pollution and the potential risk in the event the infrastructure falls or becomes damaged do not change my findings in relation to the main issues. There is no compelling evidence before me to justify such matters, and in any case, my considerations are limited to the siting and appearance of the apparatus in accordance with the relevant legislation as set out in the procedural matters above. The effect on property values has also been raised, however as a private interest, this is not a matter which would justify dismissing this appeal.
34. Concerns have also been raised in relation to the company name cited on the application form and whether they are licensed by Ofcom, however this is a matter that falls outside of the scope of my consideration in this appeal. I also note concerns raised about the advertisement procedure undertaken for 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.
35. Reference has also been made to various social and economic benefits including challenges to any benefits advanced by the appellant, however, these have not been taken into account in considering the matters of siting and appearance.

Conditions

36. 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.
37. The Council has suggested conditions relating to the timescale for implementation, compliance with the submitted plans and the proposed materials. However, as these would duplicate conditions already imposed by the GPDO, I have not imposed the suggested conditions.

Conclusion

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

H Whitfield INSPECTOR