
Appeal Decision

Site visit made on 6 December 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 January 2017

Appeal Ref: APP/L5240/W/16/3154459

Land in the footpath, Hayes Lane, close to its junction with Abbots Lane, Kenley, National Grid Ref 532012,158996

- 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 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
 - The appeal is made by CTIL, Vodafone Ltd and Telefónica UK Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/01860/DT, dated 23 December 2015, was refused by notice dated 11 February 2016.
 - The development proposed is the installation of a 12.5m Hutchinson Engineering T-Range column on a new root foundation and associated ancillary development.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO), for the installation of a 12.5m Hutchinson Engineering T-Range column on a new root foundation and associated ancillary development, at land in the footpath, Hayes Lane, close to its junction with Abbots Lane, Kenley, National Grid Ref 532012,158996, in accordance with the terms of the application Ref 15/01860/DT, dated 23 December 2015, and the plans submitted with it.

Procedural Matters

2. The appellants have requested that the dish antennae on the proposed column, as shown on the proposal determined by the Council, are not considered in the appeal. They have submitted with the appeal a revised drawing 300B to reflect this change. I note the Council's objection to the change; however, the omission of the dishes would result in less development, and a column free of attachments. There is nothing in the representations from the Council or from interested parties that suggests the dishes should remain part of the proposal. In these circumstances, and as no party would be disadvantaged, I accept the amendment and have considered the appeal on this basis.
3. While I note the Council's objections, for clarity and to avoid repetition, I have adjusted the description of development given in the appeal form to remove reference to the address, which I have taken from the appeal form.

Main Issue

4. The main issue is the effect of the proposed development on the street scene and on the character of the area.
-

Reasons

5. The appeal site is located in a footway around 2.5m wide, on the east side of Hayes Lane, close to its junction with Abbots Lane. The area is characterised by spaciouly sited houses, with those on the opposite side of Hayes Lane set behind front boundaries enclosed by dense tree and shrub planting, without a public footway alongside. On the other side of the footway where the works are proposed, runs a strip of high shrub planting around 1.7m wide in front of the side boundary wall of 69 Abbots Lane, which encloses its back garden.
6. Approval is sought for the siting and appearance of a mobile phone base station, comprising a 12.5m high column designed to appear as a telegraph pole, topped with shrouded antennae, together with an equipment cabinet at ground level. The column would align with the nearby street-lighting column and the cabinet would stand along the back edge of the footway.
7. The Council is concerned that the proposed column would be highly conspicuous from within Hayes Lane, and that the location of the cabinet would make it appear cramped in the footway, giving a cluttered appearance to the street scene. It considers this would be particularly so, when taking into account the existing street-lighting column located around 6m from the proposed column.
8. Whereas the opposite side of the street is enclosed by tall trees, the skyline above the garden wall behind the proposed column is relatively clear. This would give the column a limited degree of conspicuity in the street scene. However, it would be seen within the context of other street furniture and tall, mature trees close to the street boundaries. These include a street-lighting column, a telegraph pole on the opposite side of the street and a tall, green-painted column which appears to be a drainage vent pipe, on the corner of Abbots Lane and Hayes Lane. These features would offset substantially its conspicuity and limit the visual impact of the column on this part of the street scene.
9. The replica telegraph pole design of the column would appear in-keeping with the timber telegraph poles in Hayes Lane and Abbots Lane. The other columns or poles in the street scene appear generally well spaced apart. In this context, the location of the proposed column would maintain that spatial character and avoid an adverse cumulative effect or uncharacteristic clustering.
10. The siting of the green-painted equipment cabinet directly against the backdrop of the evergreen shrubs alongside the footway would limit its presence in the street scene. The cabinet's height would be no greater than the shrubs, and its wide but shallow footprint would reduce its conspicuity in views along the length of the street. There is a green, equipment cabinet beside a telegraph pole in Abbots Lane close to the corner of Hayes Lane, and an electrical sub-station enclosed by a timber fence on the opposite side of the street. In this context, the proposed cabinet would not be out of character.
11. In summary, the proposed development would not harm the street scene or the character of the area. It would not conflict, in terms of siting and appearance, with Strategic Policy SP4.1 of the Croydon Local Plan 2013 which requires development to contribute positively to the public realm. Nor would it conflict with saved Policy CS6 of the Croydon Replacement Unitary Development Plan 2006. This says that the Council will grant prior approval to

the installation of telecommunications equipment where the siting and design ensure that the visual impact on the local environment is minimised. It would also accord with the National Planning Policy Framework (the Framework), which states that where new sites are required, equipment should be sympathetically designed.

Other Matters

12. I appreciate that where the occupiers of the surrounding houses presently have outlooks without the proposed column, these would change after the development. However, the column would be sited sufficiently distant from the openings and gardens of the closest houses on Abbots Lane and Hayes Lane to avoid visual intrusion. Its diameter would be relatively slender, and its presence balanced by the background of tall trees on both sides of the street. There would thus be no harm to the outlook of surrounding occupiers.
13. While this part of the road has only one side with a footway, the arrangement of the cabinet and the column would maintain a clear passage of 1500mm which would not result in people having to step into the road. I note that the Highway Authority raises no objection in terms of siting.
14. Concerns have been raised about the potential health risk of the proposal, particularly with regards to its siting in relation to Hayes Primary School. However, a declaration confirming that the proposal has been designed to comply with the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure has been submitted. The Framework indicates that in such circumstances health safeguards are not something which a decision maker should determine. There is nothing in the evidence before me to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. While the appellants may not have consulted Hayes Primary School before giving formal notice, it is clear from the representations from the School, that it is aware of the proposal.
15. The appellant has provided details of a comprehensive search for alternative, potentially more suitable sites. The Council has not put forward any evidence disputing the appellant's conclusion that there are no existing telecommunications sites within the necessary search area capable of providing the required coverage and that alternative new sites would not be practical or any more suitable than this one. Adequate justification has been provided to comply with the Framework's guidance that new installations should be kept to a minimum.
16. The installation would be shared between Vodafone and O2. The Council does not dispute the need for the installation, and the plots submitted with the application indicate significantly enhanced coverage for 3G and 4G services as a result of the proposal. As set out in paragraph 42 of the Framework, the Government considers the provision of advanced, high quality communications infrastructure as essential for sustainable economic growth and for playing a vital role in enhancing the provision of local community facilities and services. While there is dispute about the distance of the proposed development from Kenley Aerodrome, the appellant has in any case given the requisite notification.

Conclusion

17. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR