

# **Planning Committee Addendum**

**Date:                    Tuesday 4 May 2021**

## HARROW COUNCIL

### ADDENDUM

### PLANNING COMMITTEE

DATE : 4<sup>th</sup> May 2021

2/04

#### ADDENDUM ITEM 1:

#### Appendix 5 appeal decision added



### Appeal Decision

Site visit made on 29 October 2019

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27<sup>th</sup> November 2019

**Appeal Ref: APP/M5450/W/19/3234196**

**Devonshire Court, Devonshire Road, Hatch End HA5 4NE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Jamie Milne of Regis Group Plc against the decision of the Council of the London Borough of Harrow.
- The application Ref P/3949/18, dated 3 September 2018, was refused by notice dated 20 March 2019.
- The development proposed is described as: 'Loft conversion with front and rear dormers and create 2no new dwellings'.

#### Decision

1. The appeal is dismissed.

#### Procedural Matter

2. A revised plan/documents have been submitted with the appeal after the decision by the Council was made. Whilst not benefitting from a full consultation exercise undertaken by the Council, I have taken these into consideration in the determination of this appeal, as the revised plans/documents do not differ significantly from the refused scheme. The Council and third parties have had the opportunity to comment on these documents and will therefore not be prejudiced if I take them into consideration in the determination of this appeal. I have dealt with the appeal on this basis.

#### Main Issues

3. The main issues of this appeal are:
  - The effect of the proposed development on the character and appearance of the appeal site and surrounding area;
  - the effect of the proposed development on the living conditions of future occupiers, with particular regard to internal floor to ceiling heights; and,
  - the effect of the proposed development on flood risk, with particular regard to the demonstration of a safe route away from the source of flooding.

#### Reasons

##### Character and appearance

4. The properties located on Devonshire Road in the vicinity of the appeal site are 2-storey dwellings and 3-storey apartment blocks. The host property is a

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3-storey apartment block, with a tiled hipped roof, with a centrally located front facing gable feature, flanked either side by forward facing projections in the building line with individual hipped roofs above, returning into the main roof. The host property is constructed in brick with a section of render located at second floor on the front elevation.

5. None of the properties on Devonshire Road have any front dormer extensions. As a result, the relatively plain flat roofs and roof slopes form a strong and positive characteristic in the street scene. I consider the proposed dormers through their size, design and location on the front facing roof slope would result in an incongruous addition that would dominate the roof, fundamentally altering its shape. The resulting significant adverse effect on the character and appearance of the host property would be readily visible in the street scene to the detriment of character and appearance of the surrounding area.
6. Whilst the proposed rear dormer would not be clearly visible from the street, I find that given its design, significant size and location on the rear roof slope, it would form a striking and discordant addition to the host property. In the case of all of the dormer windows proposed on both the front and rear roof slopes of the host property, I find that the proposed materials for construction, especially the use of render on the external surfaces would do little to alter the adverse visual effects of the proposed dormers on the host property and surrounding area.
7. For all of these reasons, I therefore conclude that the proposed front and rear dormers would unacceptably harm the character and appearance of the appeal site and the surrounding area. This would be contrary to the design and character and appearance aims of Policy CS1.B of the Harrow Core Strategy 2012 (CS), Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (LP), Policies 7.4 and 7.6 of the London Plan 2016 (LonP). Furthermore, the proposal would fail to accord with guidance contained in the Council's Supplementary Planning Document Residential Design Guide 2010 and the National Planning Policy Framework (the Framework).

#### *Living conditions*

8. In respect of the living conditions available for future occupiers, I have been referred to LonP Policy 3.5, which sets out that housing development should be of the highest quality internally and externally, and should adhere to minimum space standards to ensure that adequately sized rooms and accommodation are provided for future occupiers. In this respect, I have also been mindful of the nationally described space standard<sup>1</sup>.
9. It is common ground between the main parties that the Gross Internal Area (GIA) of the proposed dwellings would be sufficient to meet the minimum floor space standards. It is also noted in the Officer Report future occupants would have a good outlook. However, the Council contends that due to insufficient information, particularly the absence of cross-sections, the acceptability of the proposed floor-to-ceiling heights could not be determined and therefore were unable to ascertain whether the proposed scheme was able to meet the required minimum standard for Greater London.

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<sup>1</sup> DCLG: Technical housing standards - nationally described space standard 2015



10. In this respect, my attention is drawn to the Notes to Table 3.3 of the LonP, with specific reference to Note 3, which requires development to meet the minimum ceiling height of 2.3m for at least 75% of the GIA, as set out in the nationally described space standard. The Note continues to state that, as a consequence of the heat island effect of London and recognising the density and flatted nature of most residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged, in terms of light, ventilation and sense of space.
11. However, it is evident from the wording of the Note attached to Table 3.3 of the LonP, and as reflected by Standard 31 of the Mayor of London's Housing Supplementary Planning Guidance (SPG) 2016, the achievement of a 2.5m minimum ceiling height is set out as an aspiration rather than a requirement. On the evidence before me, there is no compelling argument put forward by the Council to seek anything other than the minimum ceiling height. I consider that a proposed residential development with minimum ceiling heights would not result in an unacceptable impact on the living conditions of future occupiers in this instance. The appellant has provided a revised drawing<sup>2</sup> that denotes the percentage of the GIA of both dwellings with a minimum ceiling height of 2.3m. This states that 87.93% in respect of the 2no. bedroom dwelling and 76.18% in respect of the one-bedroom dwelling are in excess of the 75% requirement specified in Table 3.3 of the LonP.
12. As a consequence, I am satisfied that the proposed development would make adequate provision for the living conditions of future occupiers, having regard to floor to ceiling heights. I have not therefore found there to be conflict with the living condition aims of LonP Policy 3.5 and the Framework.

*Flood risk*

13. The appellant's environmental consultants' flood risk assessment<sup>3</sup> (the FRA) advises that the appeal site is located within Flood Zones 2 and 3, using the Environment Agency (EA) Flood Map for Planning. Additionally, the site is also located in surface water Flood Zones 3a and 3b according to the Council's mapping system. The Council do not dispute the findings contained in the FRA, although its Drainage Department advise that a plan should be submitted indicating a safe route (SR) for future occupants and users away from the source of flooding. Due to the lack of an SR plan being submitted with the application, the Council considered that insufficient information had been provided on this matter.
14. I find that the additional information from the appellant's environmental consultant, in support of their submission, successfully compliments the FRA and identifies and demonstrates provision of a safe route into and out of the site to an appropriate safe haven. During my visit, I travelled along the proposed SR and found myself at Grimsdyke School as the safe haven. In any event, I find that had the scheme been acceptable with regard to all the other main issues, I would have not likely dismissed this appeal on this issue alone, as I consider that the submission of an SR could have easily been dealt with by means of a suitably worded condition.

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<sup>2</sup> 1-100C

<sup>3</sup> Ambiental Environmental Assessment, Phase 1 Flood Risk Assessment dated 9 January 2019

15. As a consequence, I am satisfied that the proposed development would make adequate provision with regards to managing flood risk and an SR for future occupiers ensuring a dry means of escape. I have not therefore found there to be conflict with the environmental aims of CS Policy CS1.U, LP Policy DM9 and the Framework.

**Other Matters**

16. I acknowledge that the development would bring some social and economic benefits to the area through the creation of 2no. additional dwellings in an accessible location and during the construction phase of the development. However, these are minor factors in favour of the development and do not outweigh the harm that I have identified. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

**Planning Balance and Conclusion**

17. I have concluded that the proposed development would not result in an adverse impact on the living conditions of the occupiers of the proposed dwellings, or in respect of flood risk. However, I have found that the proposed development would result in an adverse impact on the character and appearance of the appeal site and surrounding area, as a consequence of its detailed design, and would not therefore accord with the Development Plan as a whole.

18. For the reasons given above, the appeal should be dismissed.

*W Johnson*

INSPECTOR

**ADDENDUM ITEM 1:****Appeal 1 Land adjacent to 354 High Road, Harrow Weald, London, HA3 6HF**

The Planning Inspectorate

**Appeal Decision**

Site visit made on 9 June 2020

**by D Peppitt BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 1<sup>st</sup> July 2020****Appeal Ref: APP/M5450/W/20/3245964****Land adjacent to 354 High Road, Harrow Weald, Harrow, London HA3 6HF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by MBNL against the decision of the Council of the London Borough of Harrow.
- The application Ref P/2694/19, dated 7 June 2019, was refused by notice dated 9 August 2019.
- The development proposed is described as, "the removal and replacement of the existing 15m monopole, with a 20m monopole, 12 no. apertures, equipment cabinets, the removal of the existing 15m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto."

**Decision**

1. The appeal is allowed and planning permission granted for the removal and replacement of the existing 15m monopole, with a 20m monopole, 12 no. apertures, equipment cabinets, the removal of the existing 15m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto at Land adjacent to 354 High Road, Harrow Weald, Harrow, London HA3 6HF, in accordance with the terms of application Ref P/2694/19, dated 7 June 2019, subject the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Elevation A; 215 Max Configuration Site Plan; 265 Max Configuration Elevation; HRW022/PM/01 Photomontage 01 HRW022/PM/02 Photomontage 02 HRW022/PM/03 Photomontage 03 HRW022/PM/04 Photomontage 04.

**Procedural Matter**

2. As part of the appeal process the appellant submitted additional background information and plans<sup>1</sup> to provide further details in support of the proposal to address the reason for refusal.

<sup>1</sup> Connected Growth - A manual for places working to boost their digital, cultural and social connectivity - Department for Digital, Culture, Media and Sport (2019); Councils and Connectivity: How local government can help to build mobile Britain - Mobile UK (2018); and Photomontages (HRW022/PM/01 Photomontage 01;



3. To avoid the risk of prejudicing interested parties it would only be appropriate for me to take the documents and plans into account if all interested parties had been given an opportunity of making further representations. The additional documents and plans were submitted with the appeal and interested parties would have been notified of the appeal. Whilst, the Council has not provided a response to the documents and plans, it is clear that they have had a chance to consider the information. Furthermore, the additional information does not materially alter the proposed scheme. Having regard to the Wheatcroft principles<sup>2</sup> and guidance<sup>3</sup>, I am satisfied that there is no risk of prejudice if I was to take the additional plans and documentation into account. I have, therefore, determined the appeal on this basis.

### **Main Issue**

4. The main issue is the effect of the proposed development on the character and appearance of the site and the surrounding area.

### **Reasons**

5. The site is located on a pedestrian footpath, on the east side of High Road and is located next to the parking area of the adjacent supermarket. Opposite the site there is a bus depot and a recreation ground. The surrounding area is characterised by a mixture of uses such as a takeaway restaurant, memorial club, retail premises and residential properties. On the footpath there is currently 2 telecommunication masts and associated equipment cabinets positioned alongside them. There are a number of other existing tall features and various items of street furniture in the local area such as street lighting, mature trees, business and road signage, litter bins, flag poles and covered bus stops.
6. The proposal is to replace the existing 15m high monopole with a 20m high monopole and associated ancillary equipment. The appellants states that the proposed upgrade of the site would allow for additional coverage and capacity requirements to incorporate 5G technology. The appellant states that the new mast is not able to share the existing pole, therefore, it is necessary to install a new monopole. The supporting documents state that the increased height of the replacement mast is necessary to accommodate and support the 5G antenna and other apparatus, and to avoid any interference.
7. There are already monopoles in this area, and the proposed mast would be seen in the context of this, and the other surrounding apparatus and street furniture, such as the street lighting. Whilst I note that the proposed monopole would be higher than the existing monopole and would have a wider circumference at the top, the majority of the monopole would be relatively slim, and similar in design to the existing monopole. The proposal would fit in well within the existing urban and commercial context and would not appear incongruous or out of place in this environment.
8. I note that there is no large screening immediately adjacent to the existing site, and that the existing monopoles are clearly visible. In terms of wider views, the proposal would be higher than some of the trees located in the recreation ground opposite the site. However, it would not be significantly different from the views already experienced in the area. Despite the increase

<sup>2</sup> Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

<sup>3</sup> 'Procedural Guide Planning Appeals – England'

in height, the mature trees in the open space would still help to screen elements of the proposal and break up some of the wider views towards the site from the recreation ground.

9. In terms of the cabinets, there are already cabinets in this area, along with various other items of street furniture. The proposed cabinets would be located towards the rear of the footpath and would be positioned close to each other in a linear arrangement. They would not appear visually intrusive or incongruous within the wider street scene or be out of character with the surrounding environment.
10. Accordingly, the proposed development would not harm the character and appearance of the site and the surrounding area. Therefore, it would accord with Policy DM49 of the Harrow Development Management Policies Local Plan (2013). This policy, amongst other things, supports telecommunication equipment where the siting and design of the installation would minimise its impact upon the amenity of neighbouring occupiers, the host building (where relevant) and the appearance and character of the area and there would be no unacceptable impact upon areas of designated open space.

### **Conclusion**

11. For the reasons set out above, I conclude that the appeal is allowed.

*D Peppitt*

INSPECTOR



## **ADDENDUM ITEM 2:**

### **Appeal 2 Highway Verge, Uxbridge Road, Harrow Weald, Harrow, HA3 6SS**



The Planning Inspectorate

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## **Appeal Decision**

Site visit made on 18 February 2020

**by Peter Mark Sturgess BSc (Hons), MBA, MRTPI**

**an Inspector appointed by the Secretary of State.**

**Decision date: Tuesday, 31 March 2020**

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**Appeal Ref: APP/M5450/W/19/3242580**

**Highway verge, Uxbridge Road, Harrow Weald, Harrow, HA3 6SS.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by MBNL (EE UK Ltd and HG3 UK Ltd) against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/3174/19, dated 16 July 2019, was refused by notice dated 10 September 2019.
  - The development proposed is the installation of a 20m monopole, 12 no antenna apertures, equipment cabinets, the removal of the existing 11.7m monopole, 3no antennas, redundant equipment cabinets and development ancillary thereto.
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### **Decision**

1. The appeal is allowed, and planning permission granted for the installation of a 20m monopole, 12 no antenna apertures, equipment cabinets, the removal of the existing 11.7m monopole, 3 no antennas, redundant equipment cabinets and development ancillary thereto at the highway verge, Uxbridge Road, Harrow Weald, Harrow, HA3 6SS, in accordance with planning application P/3174/19, dated 16 July 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be completed in accordance with details supplied with the application: declaration of conformity with ICNIRP dated 2019/07/12; supplementary information dated 16 July 2019; covering letter dated 12 June 2019; Plan No 002 Site Location Plan, issue C; Plan No 100 Existing Site Plan, issue C; Plan No 150 Existing Elevation, issue C; Plan No 215 Max Configuration Site Plan, issue C; Plan No 265 Max Configuration Elevation, issue C.
  - 3) The electronic communications apparatus provided in accordance with this permission shall be removed from the land upon which it is situated as soon as reasonably practical after it is no longer required for electronic communications purposes.
  - 4) The land upon which the electronic communications apparatus is sited shall be restored to its condition before the development took place once the apparatus has been removed from the site.

### **Main Issues**

2. The effect of the proposed mast on the character and appearance of the area.

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## Reasons

3. Policy DM49 of the Harrow Development Management Policies Local Plan (HDMPLP) (2013) seeks, amongst other things, to ensure that the installation of new telecommunications equipment minimises its impact on the character and appearance of the area within which it is located.
4. The National Planning Policy Framework (the Framework) recognises the importance of the establishment of high quality and reliable communications infrastructure, such as 5G, as being essential to economic growth and social wellbeing. Where new equipment is required the Framework requires that it is sympathetically designed and camouflaged where appropriate.
5. The appellant has argued that the new mast is required in order to facilitate the roll out of the 5G network and they have investigated alternative sites for the propose mast. The proposal is also a mast share between two operators.
6. The site lies at the side of a busy dual carriageway road with a wide central reservation which has mature tree cover. Some of the mature trees are tall and so would help to mitigate the impact of the mast. The dual carriageway also has tall, prominent lamp posts along its route, together with the existing 11.7m high mast. Whilst the new mast would be clearly visible from several vantage points, it is still a slim structure, it would be read against the backdrop of existing, tall mature trees, prominent lamp posts and a busy road with fast moving traffic. Whilst a degree of visual impact is inevitable due to the increase in scale of the proposed mast, it is nevertheless the minimum height and girth capable of providing the improved services and introducing 5G technologies to the area, whilst also satisfying ICNIRP standards. It is also set away from the residential development to the side of the main road, on a wide grass verge which is backed by trees and vegetation.
7. I find that the impact of the proposed mast on the character and appearance of the area, despite its height, will be low. I base this opinion on the siting of the proposed mast to the side of a busy dual carriageway road away from houses, the presence of tall lamp posts along the road, tall mature trees and the presence of an existing mast in the vicinity of the proposed mast site. I am therefore of the view that the proposal accords with the Policies of the development plan, the HDMPLP, as its siting minimises its effect on the character and appearance of the area within which it is located. I also give weight to the fact that this is a proposed mast share between two operators. I have also taken account of the appellant's attempts to find a suitable alternative site and the advice given in the Framework concerning the siting of telecommunications masts and find that these also add weight to my decision.

## Conditions

8. In addition to the standard time limit and a condition referencing the approved plans – for the avoidance of doubt – there needs to be conditions that ensure the communications apparatus is removed once it is no longer needed. In addition, a condition is needed to ensure that the highway verge is restored once the apparatus is removed. These conditions are necessary in order to protect the character and appearance of the area in the future.

**Conclusion**

9. I find that having regard to all matters before me, including the policies of the development plan, when taken as a whole, that the appeal should be allowed, and planning permission granted.

*Peter Mark Sturgess*

INSPECTOR

### **ADDENDUM ITEM 3:**

#### **Appeal 3APP/VV5570/W/20/3246770 Cornerstone Telephonica and Vodafone vs London Borough of Islington**



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## **Appeal Decision**

Site visit made on 5 October 2020

**by Andrew Smith BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 October 2020**

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### **Appeal Ref: APP/V5570/W/20/3246770 74-76 St John Street, London EC1M 4DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Cornerstone Telefonica and Vodafone against the decision of the Council of the London Borough of Islington.
  - The application Ref P2019/2015/FUL, dated 27 June 2019, was refused by notice dated 27 August 2019.
  - The development proposed is installation of 6no. antennas and 2no. 0.3 metre dishes and associated development.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the installation of 6no. antennas and 2no. 0.3 metre dishes and associated development at 74-76 St John Street, London EC1M 4DZ, in accordance with the terms of the application, P2019/2015/FUL, dated 27 June 2019, subject to the following conditions:
  - 1) The development hereby permitted shall be begun not later than three years from the date of this permission.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 Rev A; 200 Rev A; 201 Rev B; 300 Rev A; 301 Rev B; 302 Rev A; 303 Rev A; 304 Rev A; 305 Rev A; 306 Rev A; 307 Rev A.

### **Procedural Matters**

2. I have used the site address as it appears on the Council's Decision Notice, as opposed to that given on the application form. This is because, following my visit to the site, I am content that it is accurate and fully reflects the street numbering of the appeal building.
3. The Mayor of London released, in December 2019, a version of the emerging London Plan (the ELP) that he intends to publish. Nevertheless, it is the case that modifications could still be made before the ELP is published. The ELP is thus at a stage that attracts limited weight in decision-making, and I shall determine the appeal accordingly.



## Main Issues

4. The main issues are:

- Whether or not the proposal would preserve or enhance the character or appearance of the Clerkenwell Green Conservation Area (the CGCA), in addition to consideration of the proposal's effect upon the settings of the Charterhouse Square Conservation Area (the CSCA), the Grade I listed Charterhouse and various Grade II listed buildings closely located to the site; and in the event that I identify that the proposal would cause harm
- Whether or not the harm identified to the significance of designated heritage assets would be outweighed by the proposal's public benefits.

## Reasons

### *The effect upon the CGCA and other designated heritage assets*

5. The significance of the CGCA as a designated heritage asset is drawn, in-part, from its rich history, its broadly consistent building heights, its range of historic buildings and its varied mix of uses. This significance is further defined by the CGCA's perimeter block structure and compact urban form.
6. St John Street (the Street) acts as an important thoroughfare that runs at or in proximity to the CGCA's eastern edge. The Street is addressed by several Grade II listed buildings, including Nos 72, 78, 80, 82 and 84, 86 and 88 St John Street. These each form part of the same terrace and are located adjacent to, or in proximity to, the appeal site. The special interest of each of these listed buildings is drawn, in-part, from their relevance to the historic evolution of the area and from their array of ornate architectural features.
7. Also Grade II listed and situated nearby, but to the opposite side of the Street, are The White Bear Public House and No 69, 71 and 73 St John Street. Their special interest is derived, in-part, from their historic origins and impressively decorated front-facing elevations.
8. The significance of the CSCA, which the appeal site abuts to the rear, is drawn, in-part, from its long history and wide array of historic buildings. The Charterhouse, a Grade I listed complex of buildings and enclosures, is read and experienced as the CSCA's centrepiece and makes an important contribution to its character and appearance. The Charterhouse's special interest is drawn, in-part, from reflecting various building periods dating back to the 14<sup>th</sup> century, its well-ordered and ornately detailed facades and the spaciousness provided by its immediate open setting.
9. There are other Grade II listed assets situated to the rear of the site. These include Pensioner's Court and Stable Court, the special interest of which is derived, in part, from its formal layout, attractive exteriors and historic connections to The Charterhouse.
10. The appeal building itself is comparatively tall when considered in the context of the buildings that adjoin it and the typical height of other buildings in the locality. It is inherently modern in terms of its design and external appearance and its roof form is embellished by a curved feature to its frontage and a bulky plant room component set towards its rear. The proposal is

centred upon the addition of equipment at roof level, to be mounted or affixed to the plant room's roof and walls.

- l1. The proposed antennas would be of streamlined design and equally distributed between the front and rear sides of the plant room. Furthermore, their full height would be set only a short distance above the plant room's roof. The dishes and other associated equipment/items intended to be installed would also be discreetly scaled. Thus, where visible from surrounding street-level public vantage points, the proposed installations would not appear as an especially prominent, complex or untidy agglomeration of apparatus. This is particularly when noting the plant room's set back position relative to the Street.
- l2. Nevertheless, the proposal would introduce, to the CGCA, apparatus of modern design and specification that would influence and harm, to differing minor degrees, the way in which each of the designated heritage assets referenced above would be read and experienced. Such influences would be most palpable from high levels within or upon buildings positioned in proximity to the appeal site. I also note that the scheme, at least in part, would be visible from the Charterhouse's arched entrance point from Charterhouse Square.
- l3. Even so, it must be noted that the apparatus would be viewed either immediately above, alongside or against the backdrop of a similarly coloured, utilitarian and modern plant room component. This would clearly limit the scope and extent of the scheme's impacts in visual/heritage terms. Indeed, I am satisfied that the proposal would not cause harm to any designated heritage assets located, in their entirety, further afield than the 100m study area used in the appellant's Heritage Impact Assessment.
- l4. I have noted reference within the appellant's submissions to the potential to install high level panelling in the interests of providing a greater degree of visual uniformity. Indeed, related photomontages have been produced. However, the appeal process cannot be used to evolve a scheme and, given that I am allowing the appeal, I have not considered this matter in any particular detail.
- l5. The site is situated within the protected viewing corridor that exists between Alexandra Palace and St Pauls Cathedral and within protected Local View LV5, as listed under Policy DM2.4 of Islington's Local Plan: Development Management Policies (June 2013) (the DMP). Having considered all the submitted evidence that is before me, I am content that the proposal would not, to any material degree, have an effect upon these protected views. Furthermore, being of limited scale, it is reasonable to anticipate that the proposed development would not be clearly decipherable as part of any long-range view. The proposal satisfactorily accords with the requirements of Policy DM2.4.
- l6. The proposal has been designed to broadly accord with the specific guidance upon mobile phone/telecommunications masts that is contained within the Urban Design Guide Supplementary Planning Document (January 2017) (the UDG), in the sense that the apparatus would be located where it would be largely obscured from the surrounding public realm and so as not to impact adversely upon the skyline from longer views.



17. There are also elements of Policy DM2.7 of the DMP, which relates specifically to telecommunications and utilities, that the proposal broadly accords with. Indeed, notwithstanding its intended roof location, efforts have been made to site and design the equipment to minimise visual impact and a shared facility is proposed. Furthermore, I have seen nothing to clearly illustrate that the relevant industry Code of Best Practice has not been fully adhered to by the appellant.
18. Nevertheless, for the above reasons, the proposal would fail to preserve or enhance the character or appearance of the CGCA and would cause less than substantial harm to its heritage significance. The proposal would also cause less than substantial harm to the significance of the CSCA, the Charterhouse and various Grade II listed buildings closely located to the site through bringing forward high-level modern development within their settings.
19. The proposal conflicts with Policies 7.4, 7.6 and 7.8 of the London Plan (2016), Policies CS8 and CS9 of Islington's Core Strategy (February 2011) (the Core Strategy), Policies DM2.1, DM2.3 and DM2.7 of the DMP, Policy BC7 of the Finsbury Local Plan (June 2012) and Islington's Conservation Area Design Guidelines (Revised Version, January 2002) in so far as these policies and guidance require that all forms of development make a positive contribution to the local character and distinctiveness of an area and that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

*Public benefits*

20. As set out in the National Planning Policy Framework (February 2019) (the Framework), any less than substantial harm to designated heritage assets should be weighed against the public benefits of the proposal. Indeed, this is reflected in the wording of Policy DM2.3 of the DMP where it is stated that harm to the significance of either a conservation area or a listed building will not be permitted unless there is clear and convincing justification.
21. As set out in the Framework, advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. The scheme would support high quality communications and digital connectivity by providing 2G, 3G and 4G connectivity for two different nationwide networks that have a high market share in cumulative terms, as well as the future ability/opportunity to upgrade to 5G services.
22. The proposal has been motivated by the removal/decommissioning of former telecommunications apparatus at nearby Florin Court, Charterhouse Square and an associated desire to ensure continuity of coverage and capacity in the area. Indeed, it is evident from the appellant's submissions that a detailed site selection process was undertaken; governed, at least in part, by a need for the newly proposed equipment to be closely located to the decommissioned site in the interests of satisfying lost capacity/coverage.
23. It is apparent from alternative site selection information that other sites can be discounted for various reasons, including due to their lack of proximity to Florin Court, their inadequate or excessive height and their lack of structural

suitability. Indeed, I have no reason to doubt that the sourcing of appropriate telecommunication sites in this particular central part of London would be problematic. This is not least due to the wide array of heritage constraints that exist and the high demands that are inevitably placed upon available service provision.

24. As well as network status maps provided by an interested party, I have considered submitted coverage mapping<sup>1</sup>, which models, in broad terms, the strength of 3G coverage based on the service currently provided against the service that would be provided should the proposed apparatus be installed. Whilst this evidence suggests that strong signal strengths are already widely available in the local area, the coverage mapping illustrates that the proposal would still deliver tangible improvements in this context.
25. In any event, the Framework indicates that the need for electronic communication systems should not be questioned when determining development schemes. Indeed, it is realistic and fair to presume that planning permission is only being sought because the scheme would lead to noticeable local improvements in service provision. It has been satisfactorily demonstrated that potential suitable and available alternative local sites are very restricted in number. Thus, particularly when factoring in the site/case circumstances to hand, the scheme's benefit of providing improved digital communications networks attracts significant weight.
26. I am mindful of the statutory duties that require special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas and of preserving or enhancing listed buildings, their settings or any special architectural or historic interest which they possess. I am also conscious that the Framework indicates that, when considering the impact of a proposal upon the significance of designated heritage assets, great weight should be given to the assets' conservation. This is irrespective of whether any identified harm to its significance is at a substantial or less than substantial level.
27. Nevertheless, I am content that the minor level of less than substantial harm that I have identified to multiple designated heritage assets, even when considered in a cumulative sense, would be outweighed by the significant public benefits that would be achieved by the proposal. Therefore, the proposal accords with the relevant heritage provisions of the Framework and with Policy DM2.3 of the DMP in so far as it offers the opportunity for harm to the significance of designated heritage assets to be offset by clear and convincing justification.

### **Other Matters**

28. Any concerns that the proposed equipment would pose unacceptable health and safety risks have not been robustly substantiated. Indeed, I have no reason to doubt that the apparatus would be firmly secured. The Framework sets out that health safeguards different from the International Commission guidelines for public exposure should not be set. Certification that the relevant guidelines shall be complied with has been provided as part of the appellant's submission. I am satisfied that the proposal is acceptable in a health context,

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<sup>1</sup> Supporting Technical Information for CTIL CSR 72971



notwithstanding the proximity of neighbouring residential occupiers including children.

29. I am also content that the proposal, due to its limited scale and the nature of the equipment proposed, would not cause harm to neighbouring/nearby residential living conditions. This is notwithstanding the scheme's proximity to a neighbouring roof garden. Any concern that the proposal would have an adverse effect upon wildlife has not been clearly or robustly substantiated and I have no reason to believe that harm would be caused in this context.
30. I note that a previous planning application<sup>2</sup> for roof-based telecommunications equipment at the same site was refused in 2010. However, it is apparent from the evidence before me that a different form of development to that now proposed was under consideration. Indeed, as part of that previous proposal, the intended antennas protruded noticeably above the height of the plant room's roof and would have been far more visually prominent. In any event, I must consider the proposal that is before me upon its own individual merits.

### **Planning Balance**

31. I have found that the proposal would fail to preserve the character or appearance of the CGCA and would cause a minor level of less than substantial harm to the heritage significance of the CGCA and various other designated assets through development within their settings. I have also identified associated policy conflicts. Indeed, the proposal conflicts with the development plan when read as a whole.
32. However, I have also found that the proposal would deliver significant public benefits through improved digital communications networks. These benefits would outweigh the heritage harms that I have identified. Thus, material considerations indicate that, in this instance, the proposal should be determined other than in accordance with the development plan.

### **Conditions**

33. In the interests of certainty, a condition specifying the approved plans is required. For the avoidance of doubt, any installation additional to those shown on the approved plans would not be permitted under the terms of this decision.

### **Conclusion**

34. For the above reasons, the appeal is allowed subject to conditions.

*Andrew Smith*

INSPECTOR

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<sup>2</sup> P101806

## **ADDENDUM ITEM 4:**

### **Appeal 4 Cornerstone and Telephonica vs Borough of Windsor and Maidenhead**



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## **Appeal Decision**

Site visit made on 16 June 2020

**by Adrian Hunter BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> July 2020**

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**Appeal Ref: APP/T0355/W/20/3246710**

**Intersystems House, 70 Tangier Lane, Eton SL4 6BB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Cornerstone and Telefonica UK Limited against the decision of Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 19/01569, dated 7 June 2019, was refused by notice dated 9 September 2019.
  - The development proposed is the installation of 2no. GRP chimneys housing 6no. antennas and ancillary works thereto.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the installation of 2no. GRP chimneys housing 6no. antennas and ancillary works at Intersystems House, 70 Tangier Lane, Eton SL4 6BB in accordance with the terms of the application, Ref 19/01569, dated 7 June 2019, subject to the following conditions:
  1. The development hereby permitted shall be commenced within three years from the date of this permission.
  2. The development/works hereby permitted shall only be carried out in accordance with the following approved plans: Plan 100 A - Site location maps; Plan 201 A - Site plan proposed; and Plan 301 A - North elevation proposed, all received on 24 June 2019.

### **Main Issue**

2. The main issue is the effect of the proposed development on the character and appearance of the Eton Conservation Area (CA) and the setting of nearby listed buildings

### **Reasons**

3. The Eton Conservation Area Appraisal (November 2009) SPD identifies that the significance of the CA comprises six principal components, one of which is the retention of the original street pattern. Within the CA there are a variety of designs and types of buildings, including a number of listed buildings. Buildings vary in height, which lends character and visual interest to the street scene. The significance of the CA therefore lies in the architectural quality and interest of the buildings within it, and the retention of historic street patterns and connections.

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<https://www.gov.uk/planning-inspectorate>

4. The appeal site comprises the roof top of a three storey, modern office building, located on the corner of Eton High Street and Tangier Lane. The third floor is provided via a mansard roof. The flat roof contains a number of structures, including a pitched roof plant room. The height of the building is similar to those of surrounding buildings. High Street is a busy, commercial area with the ground floors of buildings being a mix of town centre uses. Along Tangier Lane, the predominate land use becomes residential, with a mix of houses and more modern infill flatted developments.
5. The appeal proposal would involve the installation of telecommunication equipment on the existing rooftop enclosure. The antennas would be hidden within two structures that would be coloured and textured so to appear as chimneys.
6. The host building lies in a prominent corner position, close to an important junction along High Street. However due to the design and orientation of the host building, the height and tight urban grain of the surrounding properties, and the positioning of the equipment, views of the proposed development would be limited. Nevertheless, the structures would be visible from local vantage points within the street scene, in particular from along Tangier Lane and at the junction with High Street. In these views, they would stand out as being taller features than other structures on the building.
7. An important characteristic within the CA is the interesting roofscape of the buildings when viewed from street level. Within these views, chimneys and other roof design features are clearly visible. In this respect, the proposal to disguise the development as false chimneys would appear sensible. However, unlike the majority of the surrounding buildings, the host building is a modern, purpose-built office development. Therefore, the installation of chimneys would be inconsistent with the overall design and appearance of the host building. The development would appear as an incongruous design feature in relation to the overall appearance of the building.
8. I have had regards to my duty under S72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Accordingly, I conclude the proposal would cause less than substantial harm to the significance of the Eton Conservation Area as a designated asset. Paragraph 196 of the National Planning Policy Framework (The Framework) requires such harm to be weighed against the public benefits of the proposal.
9. For these reasons, the proposed development would fail to preserve or enhance the character or appearance of the Eton Conservation Area as a designated heritage asset, although this would be of moderate harm due to the limited visibility of the proposal. Therefore, in this respect, the proposed development would not accord with Policy DG1 of the Local Plan and Policies HD3 and HD5 of the Eton and Eton Wick Neighbourhood Plan which, amongst other things, require development within a conservation area to preserve or enhance all features that contribute positively to the area's character, appearance or setting.
10. There are a number of listed buildings close to the appeal site, which are of architectural significance and make an important contribution to the surrounding historic street scene. Views of the proposal from around the site are limited to glimpses and would be largely obscured by existing buildings,



therefore in this respect, the proposed development would not be seen in isolation in views towards the nearby listed buildings, thereby having a neutral effect on these heritage assets. Nor would it be seen against the backdrop of Windsor Castle. As such, I am satisfied that the proposal would preserve the setting of these heritage features and, in this regard, accords with Policies CA2 and LB2 of the Local Plan.

### *Planning Balance*

11. In line with paragraph 196 of the Framework, a balancing exercise should be undertaken between less than substantial harm to the significance of the conservation area on the one hand, and the public benefits of the proposal, on the other. I give considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the conservation area as set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. This is reflected in paragraph 193 of the Framework, which confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset. Paragraph 194 of the Framework also requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
12. In support of the appeal application, the appellant submitted a list of alternative sites investigated, which included existing streetworks, alternative rooftops and greenfield locations, but all were discounted. Having reviewed the information provided, I find that the sequential approach follows accepted best practice and policies contained within the Framework and, as a result, provides sufficient justification to support the need for the development. On this basis, I have no evidence to suggest that there is a more viable option than the appeal site for the required facility.
13. Paragraph 112 of The Framework states that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communication networks, including next generation mobile technology. The public benefit arising from the improvement of the telecommunications infrastructure is a material planning consideration that weighs in favour of the proposal.
14. I have also had regard to the previous planning permission for a similar development on the site which was granted in 2011. Although, given this has now lapsed, it carries limited weight in my consideration.
15. Taking all of the above public benefits, in particular the support given within the Framework for the delivery of mobile technology and the absence of suitable alternative sites within the vicinity and applying the balancing test of paragraph 196 of the Framework, I am of the view that taken together, these provide a clear and convincing justification to outweigh the considerable importance and weight to the desirability of conserving the heritage asset, which in this case is the Eton Conservation Area.
16. Therefore whilst the proposal would conflict with Policy DG1 of the Local Plan and Policies HD3 and HD5 of the Eton and Eton Wick Neighbourhood Plan as discussed above, in this particular instance, there are significant and important material considerations which indicate that development should be allowed;



and thereby justify making a decision not in accordance with the development plan.

**Conditions**

17. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. A standard implementation condition, along with a requirement to implement the scheme in accordance with the approved plans is necessary. A condition has been suggested with regards to the external finish of the proposed development, however I note that this is detailed on the approved plans, therefore such a condition is not necessary.

**Conclusion**

18. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

*Adrian Hunter*

INSPECTOR

2/06	<p><b><u>ADDENDUM ITEM 1:</u></b></p> <p>The following condition is proposed to be added to the permission:</p> <p>22. <u>Use Class Restriction</u></p> <p>The proposed development shall be used for the purpose specified in the application (Use Class F1) and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).</p> <p>REASON: To safeguard the amenity of neighbouring residents and the character of the locality and to ensure that appropriate community and cultural facilities are provided in this location consistent with the purpose and function of the Arts Centre.</p>
2/07	<p><b><u>ADDENDUM ITEM 1:</u></b></p> <p>Paragraph 6.3.3 altered to correct the distance to the boundary with properties on Cullington Close.</p> <p>The proposed new structure is over <b>28m</b> from the rear boundaries of these properties. Given the distance away from these neighbouring properties and the established nature of the site, it is considered that the proposed height, scale and form of the structure would not cause an unacceptable impact on neighbouring amenity over and above the existing functioning of the recycling site and that the proposal is acceptable in terms of neighbouring amenity</p>
<p><b>ITEM</b></p> <p><b>10</b></p>	<p><b>REPRESENTATIONS ON PLANNING APPLICATIONS</b></p> <p><b>NONE RECEIVED</b></p>