

Appeal Decisions

Site visit made on 3 October 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 31st October 2016

Appeal Ref: APP/X5990/W/16/3155372

54 Parliament Street, Whitehall, London, SW1A 2NS

- 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 Vodafone Limited against the decision of City of Westminster Council.
 - The application Ref 15/10929/FULL, dated 17 November 2015, was refused by notice dated 1 February 2016.
 - The development proposed is described as "remove the 3no. existing chimney stacks and replace with 3no. GRP replica chimney stacks housing (9no. antennas in total) 3no. pole mounted antennas and 2no. remote radio units in each on the rooftop, install 7no. equipment cabinets within an internal room together with associated ancillary works".
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Appeal Ref: APP/X5990/Y/16/3154720

54 Parliament Street, Whitehall, London, SW1A 2NS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Vodafone Limited against the decision of City of Westminster Council.
 - The application Ref 15/10928/LBC, dated 17 November 2015, was refused by notice dated 18 January 2016.
 - The works proposed are described as "remove the 3no. existing chimney stacks and replace with 3no. GRP replica chimney stacks housing (9no. antennas in total) 3no. pole mounted antennas and 2no. remote radio units in each on the rooftop, install 7no. equipment cabinets within an internal room together with associated ancillary works".
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Decision

1. The appeals are dismissed.

Procedural Matter

2. The Council altered the description of development in both applications to "Replacement of three chimney stacks with replica chimney stacks housing telecommunication equipment and associated external works including two wall mounted air conditioning units". As this more accurately describes the development, I have also determined the appeals on that basis.

Main Issues

3. The main issue for both appeals is whether the proposal would preserve the special architectural and historic interest of the Grade II listed building known as 54 Parliament Street and whether the proposal would preserve or enhance
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the character or appearance of the Whitehall Conservation Area. The potential effect of noise from the proposal is also a main issue for the planning appeal.

Reasons

The effect of the proposal on heritage assets

4. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of that area. *Westminster's City Plan: Strategic Policies* (SP) was adopted in 2013. Policy S25 of the Core Strategy seeks to conserve Westminster's extensive heritage assets and to ensure that buildings are upgraded sensitively. Saved policy DES10 of *the City of Westminster Unitary Development Plan* (UDP) seeks to ensure that alterations to listed buildings respect the building's character and appearance and preserve, restore or complement its features of special architectural or historic interest. Saved Policy DES9 seeks to ensure new development respects the character of conservation areas. These policies reflect the statutory duties defined in the Act.
5. 54 Parliament Street is a Grade II listed building. The property also lies within the Whitehall Conservation Area. The building was extensively remodelled during the construction of the adjoining Richmond House and now the original fabric of the building comprises the elegant fascia and a single room's depth to the front. The listing describes it as a "spirited Free Baroque design" from the late 19th Century. The highly ornamental front façade includes two projecting stone turrets either side of a contrasting brick frontage, one of which terminates in an octagonal cupola, the other in an elaborate decorative entablature, either side of the mansard roof. The roofscape forms an important and attractive part of the composition of the façade. The significance of the heritage asset is largely derived from the elegant and intact frontage, and from the contribution it makes to varied composition of the wider historic streetscape.
6. The proposal comprises the removal of 3 chimney stacks and their replacement with fibreglass replicas of greater height. One of the stacks would also be rotated and repositioned through 90 degrees. The existing chimneys are visible in views from street level, and whilst they are less prominent than the other ornate roof features on the façade, they contribute to the varied roofscape, which includes views of the top of Big Ben. The chimneys would be almost doubled in height and this would increase their prominence, so that despite having a more functional appearance, they would compete with other features on the skyline. They would appear disproportionately large, with the north western chimney appearing particularly prominent when viewed in profile alongside the smaller chimneys on the adjacent building, and the simple uncluttered façade of the adjoining building below. In this regard the proposal would have an erosive effect on the quality of skyline views.
7. I note that the chimneys have been reconstructed, and so the removal of the existing stacks would not lead to a loss of original fabric. Nevertheless, I take into account that the significance of the asset is in part derived from its appearance, and the contribution it makes to key views in the conservation

- area, and so the proposal's visual impact would amount to material harm to both the listed asset and the wider conservation area, so failing to preserve both, contrary to the expectations of the Act.
8. The Council have also raised concerns regarding the equipment housing. The plans show this is to be located internally, and so would have no visual impact on the existing skyline. 2 small air conditioning units would be located adjacent to the existing access door and would not be notable in views into the site. I am therefore satisfied that these elements of the proposal would not give rise to harm.
 9. The proposal would affect only a relatively small part of the building and so the harm caused to its significance as a heritage asset would thus be less than substantial. The *National Planning Policy Framework* (the Framework) directs that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. I therefore attribute considerable importance and weight to this harm, which the Framework also indicates should be weighed against the public benefits of the scheme.
 10. The proposal would provide improved telephone reception in a part of the city which is currently poorly served. The Council do not dispute that there is a need for a mast within the search area, but have questioned the thoroughness of the appellant's search for available sites. A number of buildings in the identified search area are unsuitable for operational reasons, either because they are not high enough, or because of security concerns. The proposal is also in an area with a very high concentration of listed buildings, most of which are Grade I or Grade II*, with only a very small number of Grade II or unlisted buildings providing potentially less intrusive options. Of the 5 potential sites which comprise Grade II or unlisted buildings, 4 sit alongside the appeal site and may give rise to similar impacts as the proposal before me.
 11. The last remaining site, Whitehall Station, may provide a potential alternative location, but the site owner has not responded to the appellant's request to locate apparatus there. I have been provided with no indication of when the search took place, or on how many occasions the owner was approached. I am mindful that there is a limit to how far an operator could be reasonably expected to go to demonstrate no other less intrusive sites are available. Nevertheless, on the basis of the information before me, I cannot be assured that all alternative, potentially less harmful options have reasonably been discounted.
 12. I take into account the great importance of mobile communications for business and government alike, which is a matter outlined in the London Plan, and one to which I attribute substantial weight. Nevertheless, as I am unable to be sure that the proposal before me provides the most suitable means of providing these benefits, I do not consider that on balance this benefit outweighs the harm the proposal would cause to the character of the listed building, or to its significance as a heritage asset, or the harm that would arise to the conservation area. I therefore conclude the proposal would also fail to comply with national policy outlined in the Framework. It also fails to comply with the local policies outlined above and with policy S28 of the SP and policy DES1 and DES6 of the UDP which together seek to ensure that new

development respects the character of existing buildings and local distinctiveness, including the contribution it makes to the building's skyline.

Noise

13. The Council's second reason for refusal related the potential impact of noise from the air conditioning units on noise sensitive properties in the area. The appeal is supported by a noise assessment which identifies the nearest noise sensitive property as the flats in the upper floors above the Red Lion Pub at 48 Parliament Street. It demonstrates that taking into account background noise levels, and the attenuating effect of the intervening building, the air conditioning units are capable of operating within the accepted limits identified in policy ENV7 of the UDP.
14. Accordingly, the proposal would not cause unacceptable disturbance to noise sensitive properties and I therefore find no conflict with policies ENV6 and ENV7 of the UDP and policies S29 and S32 of the SP which together seek to ensure development minimises noise and protects noise sensitive properties from its effects, or with the Framework, which has similar aims.

Conclusion

15. Although the proposal would not cause unacceptable disturbance as a result of noise, it would fail to preserve the grade II listed building known as 54 Parliament Street, and would fail to preserve the appearance of the Whitehall Conservation Area. This harm would not be outweighed by the public benefits of the scheme.
16. Therefore, for the reasons outlined above, and having regard to all other matters raised, I conclude that the appeals be dismissed.

Anne Jordan

INSPECTOR