
Appeal Decisions

Site visit made on 10 October 2016

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 15 December 2016

Appeal A: APP/X5990/W/16/3153505

26 St James's Place, London SW1A 1NH

- 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 16/00168/FULL, dated 21 December 2015, was refused by notice dated 23 March 2016.
 - The development proposed is installation of 6no. multi-band antennas, 2no. transmission dishes and 9no. RRU's concealed within 2no.GRP replica chimney stacks located upon the roof of the building. There will also be 4no.radio equipment cabinets located within an internal equipment room and ancillary development thereto.
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Appeal B: APP/X5990/Y/16/3153507

26 St James's Place, London SW1A 1NH

- 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 16/00169/LBC, dated 21 December 2015, was refused by notice dated 23 March 2016.
 - The works proposed are installation of 6no. multi-band antennas, 2no. transmission dishes and 9no. RRU's concealed within 2no.GRP replica chimney stacks located upon the roof of the building. There will also be 4no.radio equipment cabinets located within an internal equipment room and ancillary development thereto.
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Decision

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

Preliminary matter

3. The Council has advised that since the decisions were issued a consolidated version of the Westminster's City Plan: Strategic Policies was adopted on 13 June 2016. The numbering and content of the policies referred to in the decision notice however remain unchanged. Nevertheless for clarity, I have referred to the up-to-date plan in my decision.

Main Issues

4. 26 St James's Place is a grade II* listed building located within the St James's Conservation Area and adjacent to Green Park, a registered park and garden.
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5. Accordingly the main issues are:

- The effect of the works on the special architectural or historic interest and significance of the listed building and, linked to that, whether the proposal will preserve or enhance the character or appearance of the Conservation Area and the setting of Green Park; and
- Whether any harm is outweighed by the need to site the installation in the location proposed.

Reasons

Effect on the special interest of the listed building and surrounding heritage assets

6. The starting point for consideration of the proposal is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Put simply, sections 66(1) and 16(2) requires the decision maker, in deciding whether to grant planning permission and consent for works affecting a listed building to have special regard to the desirability of preserving the building, its setting, or any features of special architectural or historic interest it possesses. With regard to work within a Conservation Area, s72 (1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
7. 26 St James's Place is a block of eight luxury flats dating from 1959-60 designed by Sir Denys Lasdun, an eminent British Modernist architect. The list description states that 'St James's Place is of significance as Lasdun's first mature work, in which the balance of contrasting planes and strong horizontals that are the language of his work achieve cohesion and confidence, aided by the exceptional materials at his disposal.' The building is constructed in reinforced concrete with bands of granite cladding, giving the building a horizontal strata-like character. The roof is flat and accommodates a flat roofed tank room with an attached chimney projecting some 1.3m above it. The architectural significance of the building is reflected in the fact that it is grade II* listed.
8. The area immediately surrounding the site is characterised by substantial buildings, many of which are listed buildings, of a variety of styles and ages, set on narrow streets. The appeal building is prominent in views along St James's Place and, with the neighbouring buildings, forms an impressive backdrop to Green Park. At the time of my visit the building was partially obscured by trees but I note from photographs that it is apparent in long range views when the trees are not in leaf. The quality of the building itself, and its visual relationship with other listed buildings, make a significant contribution to the character and appearance of the Conservation Area and the setting of Green Park.
9. The proposed telecommunications equipment would be housed partly within the tank room and partly within two new glass reinforced plastic (GRP) shrouds, designed with chimney pots and painted white, which would sit on top of the tank room. The height of the structures would be the same as the existing chimney.
10. Whilst the applications are accompanied by a Heritage Statement, there is little detail about the significance of the original roof form or analysis of the

impact of the proposed works on it. It is unclear from what I have read what the design intentions for the roof were or whether indeed GRP was an original material given it is not mentioned in the list description. Notwithstanding this, the existing building includes only a limited amount of paraphernalia on the roof. The tank room, with attached narrow chimney, has a simple geometric form and is positioned centrally. It is an integral part of the roof top composition.

11. I acknowledge that the proposal would hide the industrial appearance of the telecommunications equipment. However, the two shrouds would not be authentic chimney stacks and moreover, they would create clutter on the roof disrupting the unity of the original design. Whilst I acknowledge that the shrouds would be no taller than the existing chimney they would be bulkier and would add to the verticality of the building at odds with its strong horizontal emphasis. Evidence indicates that the structures would be clearly visible from Green Park and from St James's Place.
12. I accept the appellant's point that the works are reversible. However, given the acknowledged need for telecommunications coverage in the area I am not persuaded that the equipment would be required for only a temporary period. Accordingly I give this matter little weight. I acknowledge that the equipment has been designed and sited in a position on the building for technical, operational reasons. However, this in itself does not outweigh the harm outlined.
13. Consequently, on the basis of the evidence before me I am unconvinced that the proposal would preserve the special architectural or historic features the building possesses. For the same reasons the proposal would not preserve or enhance the character or appearance of the Conservation Area or the setting of Green Park.
14. As such, the proposal would conflict with Policies DES1, DES6, DES9, DES 10, S25 and S28 of Westminster's City Plan: Strategic Policies 2016 which seek in various ways to ensure that development respects the architectural character and unity of a building; restores or complements features of special architectural interest; respects local character and conserves heritage assets.
15. In terms of the approach of the National Planning Policy Framework (the Framework) I consider the harm caused to the significance of the heritage assets would be less than substantial. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is to this second issue I now turn.

The Need for the Installation

16. The Framework emphasises the importance of a high quality communications infrastructure to sustainable economic growth. The Council does not dispute the need for improved network coverage and capacity in this area and I have no reason to disagree. I understand from what I have read, that there are no existing telecommunications sites or structures that can be shared. Furthermore, the equipment would serve two companies. These are benefits of the scheme.

17. I accept that there is a high proportion of listed buildings in the area and that telecommunications equipment should not be discounted simply because of a building's status. At the application stage, the appellant considered 16 alternative rooftop sites. Four of those sites were discounted for technical and visual impact reasons and a further two because the site provider was unwilling to accommodate a telecommunications installation. However, in the case of the remaining ten there was simply no response to the appellant's communication despite a follow up letter. Whilst this seems to me to be inconclusive, and thereby limits the weight I give to it as a benefit of the scheme, I accept that alternative sites are not readily available.
18. I have noted the appellant's point that the proposal would produce rental income to ensure the long term upkeep of the building. However, there is no evidence before me on this matter and I am unconvinced from all I have seen that the building is lacking in investment. Accordingly this matter carries little weight.
19. Paragraph 132 of the Framework advises that great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Accordingly the harm to the heritage assets, and in particular the special architectural and historic interest of an important grade II* listed building, attracts great weight. Consequently that harm is not outweighed by the public benefits of the proposal, particularly given the given the weighty statutory requirements of the Act.

Conclusion

20. For these reasons, and taking into account all other matters raised, the appeals are dismissed.

S Ashworth

INSPECTOR