
Appeal Decision

Site visit made on 10 January 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 2 February 2017

Appeal Ref: APP/X5990/W/16/3160199

17 Woodstock Street, Mayfair, London W1C 2AJ

- 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 EE (UK) Ltd and Hutchinson 3G Ltd against the decision of City of Westminster Council.
 - The application Ref 16/07806/FULL, dated 3 August 2016, was refused by notice dated 19 September 2016.
 - The development proposed is the installation of additional telecommunications equipment at roof level.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the character and appearance of the Mayfair Conservation Area.

Reasons

3. The appeal site is located in Woodstock Street, which leads off Oxford Street, and is not far from where the street turns sharply to join Blenheim Street. The site lies in the Mayfair Conservation Area, which contains a variety of buildings of various sizes, ages and styles, many of them listed buildings.
 4. The site is occupied by a terraced 4 storey building used as a shop on the ground floor with offices above. It is an ornate Victorian building constructed in brick and stone, with a variety of architectural embellishments typical of quality buildings of the era. The roof already hosts a single telecommunications antenna, constructed to appear as a flagpole, identical to that proposed. The roof also hosts a telecommunications cabinet, which it is proposed to replace with a larger, higher version.
 5. In the street there is a mix of building styles, predominantly from the Victorian era, but with some art deco and modern examples, the latter including those of both good and modest architectural quality. The appeal building makes a positive contribution to the significance of the conservation area.
 6. The existing flagpole antenna is located in a central position on the rooftop and relates well to the symmetry of the front elevation of the building. To my mind, the disguise as a flagpole works reasonably well in passing glances, but closer inspection reveals that it is markedly oversized for such a function. The
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- cabinet relates less successfully to the building, but being lower, it is not such a prominent feature.
7. The existing antenna and cabinet can be seen from the street in narrow viewpoints, and therefore have a limited impact on the appearance of the building from public views. The proposal will be seen more clearly from the upper floors of buildings lying close to the appeal site. Those buildings appear to me to be mainly in office use. I saw the site from the upper floors of Debenhams on Oxford Street, a little to the north of the site, and I have no doubt that a considerable number of people would be able to see the structures.
 8. The roofs in the area already accommodate a number of aerials, air conditioning units, ventilation apparatus and other utilitarian paraphernalia, but those parts of the roof that are substantially out of public view make a far lesser contribution to the significance of the area than do those parts that are clearly seen.
 9. I have not been referred to any development plan policies which relate specifically to telecommunications apparatus. However saved Policy DES 6 of the City of Westminster Unitary Development Plan (UDP) adopted in 2007, provides that permission may be refused for roof level alterations and extensions to existing buildings (which may include the installation of ...telecommunications equipment) in circumstances which include where any additional installations would adversely affect either the architectural character or unity of a building or group of buildings, and where the extension would be visually intrusive or unsightly when seen in longer public or private views from ground or upper levels.
 10. I have been referred to the Council's Supplementary Planning Guidance (SPG) entitled *Roofs: A Guide to Alterations and Extensions on Domestic Buildings*. Whilst the guide says that much of the advice is applicable to some commercial buildings, especially those of 'classical' design, its provisions appear to supplement a former version of the UDP, and therefore I afford it only limited weight.
 11. The National Planning Policy Framework (the Framework), whilst providing general support for telecommunications development, says that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
 12. The proposal would introduce a second antenna identical to the existing one. It would be sited on the south side of the roof, with a similar set-back from the front elevation. I consider that two flagpoles on such a narrow building would appear odd. The appellants suggest that a second fake flagpole would create balance, but I cannot see how that can be so; it would have an asymmetric siting to one side of the central flagpole. It would look out of kilter and would not be a place likely to be chosen by anyone wishing to install two flagpoles on the roof. I consider that it would undermine the purpose of disguising antennas as flagpoles, drawing attention to the artifice of both antennas. The cabinet would also be more prominent than the existing one because of its greater height and intrusion into the skyline.
 13. In my view, given the sensitivity of the area, the proposal would not be sympathetically designed or camouflaged, and I consider that the proposal

would fail to preserve or enhance the character and appearance of the conservation area. It would conflict with saved UDP Policies DES1, DES6 and DES9 which respectively deal with the principles of urban design and conservation, roof top extensions and alterations and conservation areas. It would also conflict with Policies S25 and S28 of Westminster's City Plan adopted in 2016, which in turn deal with heritage and design.

Balancing exercise

14. The harm that would be caused would be less than substantial within the meaning of paragraph 134 of the Framework, and so this harm needs to be weighed against the public benefits of the proposal. The proposal would improve 4G mobile reception in the area, which is a public benefit to which I attach substantial weight. It would also facilitate site sharing, also encouraged by Government policy.
15. Whilst I recognise that the Council did not offer any pre-application comments, or inform the appellants of its concerns prior to determination, the appellants have not commented on whether a less sensitive siting of the antenna and housing towards the back of the roof could be achieved, or whether a better symmetrical siting could be provided. Under these circumstances, I cannot be satisfied that the proposal is the only possible solution to meet the telecommunications need. I therefore find that the harm to heritage interests outweighs the public benefit.

Conclusion

16. For the reasons given above, I conclude that the proposal conflicts with the development plan as a whole, and that the appeal should be dismissed.

JP Roberts

INSPECTOR