

Appeal Decision

Site visit made on 17 May 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 5th July 2017

Appeal Ref: APP/V5570/W/17/3168973

Boundary House, 91-93 Charterhouse Street, EC1M 6HR

- 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 CTIL, Telefonica UK Ltd and Vodafone Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/2431/FUL, dated 10 June 2016, was refused by notice dated 8 August 2016.
 - The development proposed is described as *"This proposal relates to the proposed removal and relocation of 3 no antenna within replica GRP tank room, together ancillary development thereto including the removal of the existing tank room and new access ladder"*.
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Decision

1. The appeal is allowed and planning permission is granted for proposed removal and relocation of 3 no antenna within replica GRP tank room, together ancillary development thereto including the removal of the existing tank room and new access ladder at Boundary House, 91-93 Charterhouse Street, EC1M 6HR, in accordance with the terms of the application, Ref P2016/2431/FUL, dated 10 June 2016 and the plans submitted with it, subject to the conditions in Annex A.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the building and whether it would preserve or enhance the character or appearance of the Charterhouse Square Conservation Area (CA).

Reasons

3. Amongst other things Development Management Policy (DMP) DM2.3 requires new development and alterations to existing buildings in conservation areas to conserve or enhance their significance. Paragraph 132 of the National Planning Policy Framework (The Framework) sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 4. The appeal scheme would remove and relocate 3 no antenna within a replica GRP tank room. The associated works would include the removal of the existing tank room and provision of a new access ladder. The equipment would be located atop the building which is described as a six storey mid terraced brick building.
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5. The key views of the building are from Charterhouse Street and some limited views of its rear from St Johns Street. I have been provided with the Conservation Area Design Guidelines (CADG) for Charterhouse Square. In considering new development it identifies that there are very few buildings over five storeys in the area. It goes on to suggest that new building and extension above five storeys will not normally be permitted and that plant and lift over runs should be located so as to be invisible from the street.
6. Some equipment would be removed. The addition in height would be to the tank room. The appellant gives the height of the antennae as about 1.38m with the extension to the tank room being slightly taller. The equipment would be fixed within the addition and effectively shrouded from view. The design and access statement states that the material finish of the addition would match the existing tank room.
7. Paragraph 42 of the Framework stresses the vital role and importance of high speed broadband technology and other communications networks in terms of economic growth and in enhancing the provision of local community facilities and services. Paragraph 43 of the same expects radio masts to be kept to a minimum with the sharing of masts or the use of other buildings and structures to be preferred to new ground level sites.
8. The proposal to use the roof of an existing building with an increase in height of the tank room to contain 3 Antennae to maintain and enhance the 2G, 3G and 4G service for Telefonica and allow Vodafone to provide services from the same installation would be consistent with these objectives. The appellant has submitted that there is a need for the equipment to replace the coverage lost by decommissioning of existing equipment. This is supported by coverage plots.
9. There is no dispute that the alterations would not be visible from Charterhouse Street. When approaching along St John Street it would be possible to see the addition to the tank room through the break in the taller buildings. However, the addition would be simple and not significant in height and would use appropriate materials. In addition the visibility would reduce with distance. I appreciate that the CADG is seeking plant to be invisible from the street. However, in this case there is already visibility. Therefore, overall, for all of these reasons, I do not consider that the addition would be any more visually prominent than the existing tank room.
10. Therefore, in my judgement, the proposed additions would not have an adverse impact on the building and would have a neutral effect on the character, appearance and setting of the CA and so would preserve it. Therefore the proposal would not conflict with policy DM2.7 of Islington's Development Management Policies (DMP) which amongst other things seeks telecommunications equipment to be sited and designed to minimise its impact, DMP policies DM2.1, DM2.3, Core Strategy policies CS8 and CS9 and London Plan policies 7.6 and 7.8 which amongst other things seek well designed new development that will conserve or enhance a conservation area's significance.

Other Matters

11. Whilst not raised within the reason for refusal the Council has raised the proximity of the site to nearby listed buildings on Charterhouse Street and John

Street to the rear. Section 66 (1) of the Act¹ requires the decision maker to have special regard to the desirability of preserving listed buildings and their settings, and any features of special architectural or historic interest they possess. DMP Policy DM2.3 refers to the historic environment and seeks to resist new development within the setting of a listed building that would harm the significance. In this case given the amount of development proposed, the design approach and material finish I am satisfied that the appeal scheme would not significantly increase the appearance of plant in the location. As a result the scheme would not change the context of the area and therefore it would not harm the significance of the nearby listed buildings.

Conditions

12. The Council has suggested three conditions. I have considered these in light of the Planning Practice Guidance and the tests of the Framework. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition requiring the scheme to be constructed in accordance with the schedule of materials shown on the plans and within the design and access statement is necessary and reasonable.

Conclusion

13. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

D J Board

INSPECTOR

¹ The Planning (Listed Building and Conservation Areas) Act 1990

Annex A – Conditions

- 1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 100 Rev A, 101 Rev A, 200 Rev B, 201 Rev D, 300 Rev A, 301 Rev F, 400 Rev E, 500 Rev E, 501 Rev D, Signed ICNIRP dated 09/06/2016, Design and Access Statement, Site Specific Supplementary Information, Health and Mobile Phone Base Stations, General Background Information for Telecommunications Development, Radio Planning and Propagation, House of Commons: Written Statement (HCWS631) and Supporting Technical Information of CTiL.
- 3) The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

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