



Appeal Decision

Site visit made on 30 November 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 02 January 2018

Appeal Ref: APP/X5990/W/17/3180354

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 Ltd and Hutchinson 3G UK Ltd against the decision of City of Westminster Council.
 - The application Ref 17/02565/FULL, dated 13 March 2017, was refused by notice dated 6 July 2017.
 - The development proposed is a telecommunications roof-top upgrade and associated works.
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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 (CA).

Reasons

3. The appeal site is within Woodstock Street within the Mayfair CA which covers a broad area to the south of Oxford Street. This part of the CA is a busy, primarily commercial area. The street-scene in the area is dominated by high buildings of various eras. The CA generally contains a mix of buildings many set out within high, close knit terraces and attractive, distinctive squares.
4. Woodstock Street is narrow and enclosed tightly by high commercial buildings of various ages including some very modern buildings such as No 15 nearby. The building at the appeal site was partially covered at the time of my site visit by scaffolding and a shroud. I could see the roof of the building and the existing antenna although the front was partly hidden behind the shroud. From my visual assessment as well as the submitted plans it is clear that the ornate Victorian building makes a positive contribution to the street-scene and to the significance of the CA.
5. The use of a single mast would partially address the comments of my colleague Inspector who considered the previous appeal¹ proposal for 2 flag pole masts would have looked odd. However that previous Inspector also made it clear that the existing antenna, which is disguised as a flagpole, is markedly

¹ APP/X5990/W/16/3160199

oversized for such a function.

6. Although the appellants have attempted to minimise the mass and scale of the proposed replacement, it would have a significantly wider girth than the existing antenna and would be taller. The installation would be far more noticeable and further removed from its pretend purpose as a flagpole than the existing. This would be even more noticeable from street-level as well as from the upper floors of surrounding buildings. The inauthenticity of the installation would be emphasised because it would be seen from the north in the same view as the narrow flagpole on top of the building occupied by Bonhams at the junction of Woodstock Street with Blenheim Street. At the time of my visit on a clear winter's day, I could barely see the flagpole on Bonhams whereas the existing antenna at the appeal site was clearly visible. The proposed replacement antenna would stand out in even further contrast with the authentic flagpole and would clearly look false amongst the roof-scape.
7. The existing equipment cabinets are less noticeable than the antenna because they are lower on the roof and therefore difficult to see from street level. The traditional front gable and side walls on the roof also help to shield these at the moment. The proposed changes to the equipment would concentrate the amount of associated equipment into a smaller area although the cabinet would be higher and would be marginally more visible from the street.
8. The proposed antenna and the cabinet would be visible from street level where they would not be traditional features and would look alien, adversely affecting the architectural character of this building and those around it. The replacement scheme would not be as sympathetically designed or camouflaged as advised within paragraph 43 of the National Planning Policy Framework (the Framework) which relates to 'new sites' but I consider that this advice also has relevance where an existing antenna is being replaced.
9. In relation to the main issue, the proposal would have a harmful effect on the character and appearance of the CA. This would not comply with Unitary Development Plan² Policies DES1, DES6 and DES9 which seek high quality designs and appropriate roof level alterations. Furthermore, this would not comply with City Plan³ Policies S25 and S28 which require recognition of Westminster's wider historic environment as well as exemplary standards of sustainable and inclusive urban design and architecture.

Other Matters and Overall Balance

10. The Framework supports the expansion of electronic communication networks. However where, such as in this case, less than substantial harm to the significance of a designated heritage asset would result from development, that harm should be weighed against the public benefits of the proposal. Great weight has to be given to the asset's conservation.
11. The proposal would result in further 4G coverage and additional capacity for local residents, traders and transient visitors. There is a network sharing agreement between the 2 operators and this is encouraged within the Framework. I am also made aware that the Mayor of London through the London Infrastructure Plan 2050 requires London to be connected to world

² City of Westminster Unitary Development Plan, adopted January 2007

³ Westminster City Plan - consolidated with all changes since November 2013, adopted November 2016

class levels. I do not question need for coverage here and give substantial weight to the justification for the development.

12. The appellant's pre-application process with the Council resulted in the Council discouraging the proposal and encouraging a different form of development. The appellants state that the suggestions would not have been effective or feasible. The appellants also state in their design and access statement that no other standalone new facilities have been investigated because this would be an upgrade to an existing site. However, there would be harm to the designated heritage asset. My colleague in the previous appeal clearly had concerns about the current narrower mast in the same location. This is an indication that increasing the size of a mast would also be sensitive. In the absence of information about possible alternatives to meet the coverage needs, it is not clear to me that this scheme is less harmful.
13. I have not been provided with full details of the similar design of mast used within Westminster at the Warrington Hotel. It is not clear to me that the development and other circumstances are similar to those in the present case.
14. Although the issues are finely balanced in this case, the lack of consideration of alternatives tips the balance in my opinion.

Conclusion

15. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR