



Appeal Decision

Site visit made on 18 November 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/C5690/W/19/3235881

Lewisham College, Lewisham Way, London SE4 1UT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2016.
 - The appeal is made by EE Ltd & Hutchinson 3G UK Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/111868, dated 6 April 2019, was refused by notice dated 4 June 2019.
 - The development proposed is described as telecommunications rooftop installation upgrade and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal it was identified that a building close to the appeal site, Lea House, was Grade II Listed. The appellant was given the opportunity to comment on whether this had any implications on their case. No comments were received and I have therefore considered the appeal accordingly.

Main Issue

3. The main issue is the effect of the siting and appearance of the development including whether the proposals would preserve or enhance the character or appearance of the Brockley Conservation Area and the setting of the nearby Grade II Listed Building.

Reasons

4. The appeal site comprises the rooftop of a large four storey building within the grounds of Lewisham College, which already contains telecommunications equipment. The proposals are described as an upgrade of the existing installation to facilitate 5G coverage, but it is clear from the drawings that this also includes installation of new equipment. New antennas would be sited on galvanised steel 'roofpods' placed on the top of the plant rooms located towards the north east and south west corners of the rooftop. The height of the new antennas would be some 6m higher than the current equipment and therefore nearly 13m above the parapet level of the building.

5. The appeal site is located within the Brockley Conservation Area (BCA). In determining this appeal, I have a duty to pay special attention to the desirability of preserving or enhancing its character or appearance. From the information before me and my own observations, the BCA derives its significance from the cohesive qualities of the architectural detailing of its historic Victorian buildings, uniform building height, and in the relationship of buildings to each other and to the distinctive tree-lined roads.
6. The Brockley Conservation Area Appraisal (the Appraisal) states that all historic buildings in the BCA make a positive contribution to its character, but some are recognised as being of more architectural significance than others. One of those buildings identified in the Appraisal is Lea House, a Grade II Listed Building, which lies within the college grounds to the north of the appeal site. It is a symmetrical pair of two and a half storeys over semi basement, constructed in multicoloured stock brick with a detailed stuccoed front under a slate roof. Its significance lies in its scale, detailing, materials and colouring between the existing buildings. It forms a stand out building that draws the eye, and as such, makes an important contribution to the BCA.
7. Whilst the appeal site, known as the Breakspears Building, is not a historic building and differs from the predominant Victorian architectural styles around it, its height and profile is still complementary to the character of the surrounding area. Moreover, its brutalist style with strong horizontal lines and geometric window shapes has architectural interest. Contrary to the appellant's contention, it too is identified in the Appraisal as among the most architecturally significant buildings within the BCA and contributes positively to it. I do not consider that the existing telecommunications equipment constitute sympathetic additions to this building, but nonetheless, they are relatively less harmful owing to their height and the partial screening afforded by surrounding trees and buildings.
8. The proposals would be twice the height of the existing equipment. Whilst I appreciate the operational reasons for this, this would be a very significant height increase. The height of the antennas would contrast awkwardly with the strong horizontal profile of the host building and increase the intrusiveness of the rooftop equipment in a number of views.
9. From Lewisham Way, where the existing equipment is visible with Lea House, it is mostly offset and limited in height and number. However, due to the height of the new antennas, they would be seen immediately above the roof of Lea House. Their height would exert a harmful dominance over Lea House and their utilitarian appearance would appear markedly at odds with the ornate and symmetrical frontage of this listed Building, to the detriment of its historic and architectural significance.
10. From Ashby Road, both sets of antennas would be visible in views down the street and above the consistent roofline of the terraces on Breakspears Road, where they would be incongruous features dominating the skyline, considerably more so than the existing antennas.
11. From the northern end of Tressillian Road and the Brockley Market, the northern-most antennas and crude metal supporting structures would be particularly prominent and intrusive, being close to the edge of the building and in full view through the gap between the Tressillian Building and terraced houses. Further south on Tressillian Road, the southern-most antennas would be highly visible above the trees, unlike the existing antennas, and hence

dominant against the skyline and in the context of the existing buildings, which are characteristically uniform in height.

12. For the above reasons, and despite the existing equipment, I do not accept the appellants claim that the proposal would have a negligible impact. The siting and appearance of the antennas and their supporting structures would be visually intrusive and incongruous, which would cause significant harm to the character and appearance of the host building, to the significance of the setting of the nearby Listed Building, and to the character and appearance of the BCA.
13. I therefore conclude that the proposal would not preserve the setting of the nearby Listed Building, Lea House. Nor would it preserve or enhance the character or appearance of the BCA. As such, there would be conflict with Policies CS15 and CS16 of the Lewisham Core Strategy Development Plan Document 2011 (CS), as well as with Policies DM30, DM36 and DM39 of the Lewisham Development Management Local Plan 2014 (LP). Collectively, these require new development, including telecommunications equipment, to be of a high standard of design, sensitive to local context, and to preserve or enhance the historic environment.
14. In reasoning the above conclusion, I consider that the harm to the designated heritage assets would be 'less than substantial' in the terms of paragraph 196 of the National Planning Policy Framework (the Framework). It is therefore necessary that I weigh this harm against the public benefits as below.

Other Considerations

15. I have no reason to question that the equipment is necessary to achieve the required standard of next generation network coverage, and I recognise that it would be shared by the Emergency Services Network (ESN). I also recognise the economic and social importance of advanced, high quality and reliable telecommunications, and that infrastructure has a wider strategic role in supporting growth¹. These public benefits weigh significantly in the proposal's favour.
16. I further acknowledge that the cell search area is constrained, principally as a consequence of the historic context, and that the Framework supports use of existing telecommunications installations rather than new sites, which the proposals achieve.
17. Nevertheless, the Framework also recognises the need for telecommunications equipment to be sympathetically designed and camouflaged where appropriate. Even if I were to accept the appellant's claim that there are no other suitable sites, albeit this has not been suitably demonstrated in the evidence before me, I am not satisfied that appropriate consideration has been given to minimising the visual impact of the equipment on the host building and in relation to the surroundings, including the Listed Building.
18. I am mindful that heritage assets, such as listed buildings and conservation areas, are an irreplaceable resource, and should be conserved so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 193 of the Framework requires great weight to be given to the conservation of a heritage asset, irrespective of whether any potential harm amounts to substantial, total loss, or less than substantial harm.

¹ Letter to Chief Planning Officers: Planning for Growth' dated 31st March 2011.

Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.

19. Therefore, although the Government aims to facilitate the growth of new telecommunication systems, it also places great emphasis on protecting areas and buildings of architectural or historic importance.

Planning Balance and Conclusion

20. Having regard to all of the above, the weight that I attach to the considerations in favour of the proposal would not be sufficient in this case to outweigh the harm that would be caused to the heritage assets as a result of the siting and appearance of the development. The proposal would therefore, for the reasons set out above, be contrary to the relevant identified policies of the development plan, and the Framework. I therefore conclude that the appeal should be dismissed.

Adrian Caines

INSPECTOR