
Appeal Decision

Site visit made on 28 January 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2020

Appeal Ref: APP/E5900/W/19/3240864

Redmans Road DNS, Junction of Redmans Road/Stepney Green, London E1 3LP

- 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 MBNL (EE Ltd and Hutchinson 3G UK Ltd) against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/19/01554, dated 16 July 2019, was refused by notice dated 25 September 2019.
 - The development proposed is upgrade to existing telecoms site, proposed phase 7 monopole C/W wrapround cabinet at base and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for upgrade to existing telecoms site, proposed phase 7 monopole C/W wrapround cabinet at base and associated works, at Redmans Road DNS, Junction of Redmans Road/Stepney Green, London E1 3LP, in accordance with the terms of the application, Ref PA/19/01554 dated 16 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 002A, 003A, 005A, 100A, 150A, 215A, 265A, 304A and 305A.
 - 3) Prior to the approved equipment being brought into use, details of the colours of the external surfaces of the pole and cabinets shall be first submitted to and approved in writing by the Local Planning Authority. The surfaces shall be finished in the agreed colours prior to the equipment being brought into use and the equipment shall be retained and maintained thereafter in accordance with the approved details.

Procedural Matters

2. Since the planning application was determined the Council has adopted a new Local Plan, the Tower Hamlets Local Plan 2031 (January 2020) (LP). The Council has confirmed which of the new policies are relevant to the appeal and provided details of these. The appellant was given the opportunity to comment on them. I have determined the appeal on the basis of the new LP policies.

Main Issues

3. The main issues are whether the proposed development would firstly preserve or enhance the character or appearance of Stepney Green Conservation Area and secondly, preserve the setting of the nearby Grade II Listed Buildings, namely the Clock Tower and Drinking Fountain.

Reasons

Character and Appearance of the Conservation Area

4. The appeal site is located within a tapered section of pavement which forms part of the public realm, at the junction of Redmans Road and Stepney Green in the Stepney Green Conservation Area (CA). The CA is concentrated around two main through routes, Mile End Road and Stepney Green. Stepney Green is characterised by the architectural quality of the residential houses and mansion blocks along its edges and the picturesque quality created by the mature trees of Stepney Green Gardens (a designated London Square), which extend along the length of most of the road. The south-eastern end of the Gardens is opposite the appeal site.
5. The surrounding area has a verdant character with trees running the length of Stepney Green Gardens and trees, hedges and shrubs lining the northern perimeters of a sports pitch that is located immediately south of the site, and Stepney Green Park, which is sited south-west of the site. These features add considerably to the significance of the CA.
6. The appeal site contains existing telecommunications equipment, with a 12 m monopole and 5 cabinets in situ, coloured dark brown and black respectively. There are 2 mature trees within approximately 5 m of the existing equipment. It is of significance to note that both are higher than the existing 12 m monopole, though they are illustrated as being lower than the pole on the submitted plans. A third tree, higher than the other 2, is located around 20 m north-west of the existing equipment. There are also 2 streetlights, a telegraph pole, numerous low-level metal bollards and 2 pairs of public seating benches, all coloured black or dark brown, sited within the tapered section of pavement where the site is located.
7. The existing monopole would be replaced with a pole around 8 m higher than the present structure; 4 of the existing cabinets would be removed from near the most south-easterly pair of public benches, and 8 cabinets would be installed close to most north-westerly pair of public benches.
8. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of a CA, which is therefore a matter of considerable importance and weight. In addition, the Framework advises 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.
9. I appreciate that the proposed monopole would be much higher than the existing pole and that it would project above the trees closest to it. However, I consider that it would not be perceived as obtrusive from surrounding public vantage points, given the presence of the range of mature trees in the immediate area, the existing street-furniture and the area's pattern of

development. These factors all restrict public views from medium to long range locations, and short-range views would be very similar to the site's existing appearance.

10. I also acknowledge that some additional cabinets would be installed, thereby increasing the number from what currently exists. However, all but one of the existing cabinets would be removed. Furthermore, as indicated, the existing appearance of the site is that of telecommunications equipment sited amongst the trees and street furniture in the public realm. As such, I consider that the character and appearance of the site would not be significantly altered. Bearing these factors in mind, I conclude that the proposed development would not harm the significance of the CA, with particular regard to the siting, height and appearance of the proposed equipment, and as such would have a neutral effect on, and thereby preserve, the character and appearance of the CA.
11. I therefore conclude that the proposal would accord with policies S.DH1, S.DH3, D.DH2 and D.DH11 of the LP and the design and conservation policies in the Framework. These policies seek, among other things, development to be of high quality design, to respect and respond to its context, to be appropriate in scale and height, to minimise impact on the street scene, to contribute to the public realm and to preserve, and where appropriate enhance, the borough's heritage assets.

Effect on the Setting of Listed Buildings

12. Under s66(1) of The Planning (Listed Building and Conservation Areas) Act 1990 I have a duty to give considerable importance and weight to the desirability of preserving the settings of Listed Buildings (LBs).
13. The listed Clock Tower was originally erected around 1913 and relocated to its present site in 1934. It is a four-faced clock tower, around 6 m high with a small spire. It is sited on a white stone plinth, constructed of red and glazed bricks and white stone dressings with decorative stone swags and plaques. The structure is sited in a distinct, landscaped area enclosed by black, metal railings. This distinct area provides a designated setting within which the Clock Tower is appreciated, particularly from the footpaths around the perimeter of the designated site. The proposed monopole would be around 45 m from the Clock Tower. The wider setting, which I consider contributes less to the significance of the structure, is that of the surrounding road network, buildings (traditional and modern), parks, gardens, trees and street furniture.
14. The listed Drinking Fountain was erected in 1884. It is constructed from red and grey granite and has a large red bowl and trefoil headed plaques from which rises a small truncated spire. The Drinking Fountain is sited within the tapered section of pavement where the appeal site is located. It is this area of the public realm that provides the immediate setting of the Drinking Fountain. The wider setting is similar to that of the Clock Tower, described above. Given that the structure is not particularly visible now from areas within the wider setting, due to the surrounding roads, buildings, street furniture and trees, again I consider the wider setting contributes less to its significance. The proposed equipment would be within a similar proximity to the Drinking Fountain to the existing telecommunications equipment. As such, the setting within which the structure is experienced would be little altered.

15. Within the circumstances described above, I consider that the proposed development, having particular regard to siting, height and appearance, would have a neutral effect on the settings of both LBs referred to. I therefore conclude that the proposal would preserve the settings of these LBs. As such, the proposal would accord with Policy S.DH3 of the LP and the heritage and conservation policies in the Framework. These policies seek, among other things, development to preserve, and where appropriate enhance, the borough's heritage assets, including their settings.

Conditions

16. I have had regard to the conditions suggested by the Council. I have attached a condition specifying plans, for the avoidance of doubt, and I have attached a condition requiring details of the colour finish of the equipment to be approved by the Local Planning Authority, in order to preserve the character and appearance of the CA and the settings of the LBs.

Conclusion

17. For the reasons outlined above, I conclude that the appeal is allowed.

J Williamson
INSPECTOR