
Appeal Decision

Site visit made on 10 February 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2020

Appeal Ref: APP/E5900/W/19/3235192

Hopkins House, Canton Street, Limehouse, Tower Hamlets, London E14 6HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended 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) (GPDO).
 - The appeal is made by EE Ltd & Hutchinson 3G UK Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref: PA/19/00485, dated 27 February 2019, was refused by notice dated 25 April 2019.
 - The development proposed is described as proposed rooftop telecommunications installation upgrade and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the GPDO, under Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its sighting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

Main Issue

3. The main issue is whether or not approval should be given in respect of the siting and appearance of the proposed development, with particular regard to whether it would preserve or enhance the character or appearance of the Lansbury Conservation Area (CA).

Reasons

4. The appeal site comprises the rooftop of a block of flats within a residential area. The rooftop contains existing telecommunications equipment.
5. The site is located within the CA and the statutory requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
6. From what I have observed and read, the CA's significance lies in showcasing architectural trends in post-second world war housing redevelopment. The

- western part of the CA exhibits a rationale of external spaciousness, which is manifested in a lower-rise character derived from limiting of building heights, and pockets of open space.
7. Whilst the host block is not a listed building, its angular, six-storey flat-roof profile complements the character of the surrounding area. Its location facing onto Canton Street, within an area of green space, in a populous residential area contributes to its prominence within the neighbourhood. Through the above combination of factors, the host block contributes positively to the significance of the CA.
 8. Although the proposal is described as an upgrade of the existing installation, it is evident from the drawings that it would entail installation of new equipment including antennas, dishes and a stub tower on the rooftop of the host block.
 9. The existing antennas have a top height of around 5.3m above the host building's rooftop parapet, across a width of approximately 3m. The top of the proposed antennas would stand around 9m above the block's rooftop parapet, across a width of approximately 4m. The height of the proposed equipment would be around half that of the host block. As such, the proposal would result in a substantial step up in the bulk, scale and height of the block's rooftop apparatus, visible against the backdrop of the sky. This would visually disrupt and contrast awkwardly with the distinctive angular profile of the host building, and the distinctive limitation in built height within the western part of the CA.
 10. Notwithstanding local tree cover, the above effects would be noticeable from the following combination of viewpoints: approaching the site along Canton Street in westerly and easterly directions; from residential blocks located to the east, south and north of the site; and from the green space around Hopkins House.
 11. The appellant considers that the proposal would have a negligible impact. However, due to the combination of factors identified above, the siting and appearance of the proposal would be detrimental to the appearance of the host building, and undermine the distinctive, exemplar post-war architectural character and appearance of the CA.
 12. Therefore, the proposal would not preserve or enhance the character or appearance of the CA. As such, it would conflict with Policies 7.4 and 7.8 of the London Plan (2016)¹, which together require development to complement local character and conserve the significance of heritage assets. I take account of the policies insofar as they are relevant to matters of siting and appearance.
 13. The identified harm arising from the proposal would be significant, relative to the site and the immediate surroundings of the proposal in the CA. However, the effect would be localised and therefore would constitute less than substantial harm to the significance of the CA as a whole. In such circumstances I therefore necessarily weigh the harm against the public benefits of the proposal, as below.

¹ The London Plan: The Spatial Development Strategy for London, Consolidated with Alterations since 2011, March 2016.

Planning Balance and Conclusion

14. The proposal would enable 5G network coverage in the area, including for use by the Emergency Services Network. As such, the proposal would support growth, and provide socio-economic benefits. These public benefits weigh significantly in favour of the proposal.
15. Paragraph 113 of the National Planning Policy Framework (the Framework) encourages use of existing telecommunications sites. Nevertheless, this does not override the need, recognised in the Framework, for development, including telecommunications equipment, to be sympathetically designed. Furthermore, 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. Heritage assets such as conservation areas are an irreplaceable resource, worthy of conservation for their contribution to the quality of life of existing and future generations.
16. I have had regard to the Site Specific Supplementary Information provided by the appellant. I appreciate that conservation areas may well be a constraining factor in site selection. Nevertheless, in this case, lack of a suitable alternative site or sites is not decisively demonstrated.
17. Taking the above together, I conclude that the benefits of the proposal would not outweigh the harm to the heritage asset which would result from the siting and appearance of the development. I therefore conclude that the appeal should be dismissed.

William Cooper

INSPECTOR