



Appeal Decision

Site visit made on 27 May 2020

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2020

Appeal Ref: APP/V5570/W/20/3246375

23-29 Charterhouse Square, Barbican, London EC1M 6HP

- 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 & H3G UK Ltd) against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/1785/FUL, dated 11 June 2019, was refused by notice dated 6 August 2019.
 - The development proposed is the installation of 12no. antenna squares, 4no. dishes and 10no. equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal would preserve or enhance heritage assets, including the Charterhouse Square Conservation Area, the setting of nearby listed buildings and the setting of locally listed buildings.

Reasons

3. The appeal site is located on the western side of Charterhouse Square. It accommodates a large, six storey, office block constructed in the 1950s that is bound by sections of Charterhouse Street to the north and south. This proposal seeks permission to install various telecommunications equipment on the roof of the appeal building. This would include 12 antenna squares, 4 dishes and 10 equipment cabinets. The proposed equipment is required to replace a gap in network services as a result of the impending loss of an existing operational site.
4. The appeal site lies within Charterhouse Square Conservation Area (CA). There are also several nearby listed buildings, including items of street furniture, as well as some locally listed buildings. I have statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and to have special regard to preserving the setting of listed buildings. In addition, the National Planning Policy Framework (the Framework) advises that great weight must be given to the conservation of designated heritage assets and any harm which is less than substantial must be weighed against the public benefit of the proposal. In terms of developments which affect non-designated heritage assets, it states that a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset

Conservation Area

5. The significance of the CA appears to derive from a diverse mix of uses, together with interesting and historic architecture and important open spaces, which portray the evolution of this part of the Borough. The roofs of most buildings within this part of the CA remain unaltered. This allows for an appreciation of the traditional historic roofscape which contributes positively to the character and appearance of the CA.

Listed and Locally Listed Buildings

6. Designated heritage assets at or close to Charterhouse Square include Grade I listed buildings associated with The Charterhouse, Grade II listed buildings associated with St Bartholomew's College and various other Grade II listed buildings, such as Florin Court, which front the square. The significance of these buildings is derived from a number of factors. These include sophisticated modern building styles, the portrayal of differing building periods, their historic use, interesting external architecture and decorative internal features.
7. Charterhouse Street comprises a number of Grade II listed buildings, such as the Fox and Anchor Public House. The significance of these buildings again arises from a multitude of factors, such as excellent examples of street architecture and decorative tilework under the influence of Art Nouveau. There are also nearby Grade II* listed buildings associated with Smithfield Market. The significance of these buildings derives from their historic market use as well as their interesting architecture and decorative features.
8. Furthermore, there are a number of locally listed buildings (non-designated heritage assets) at nearby streets such as Charlton Place, Charterhouse Square, Charterhouse Street and Charteris Road. The design of these buildings, which display special features such as ionic columns and pilasters, and their association with other historic buildings in the area contribute to their significance and local interest.

Assessment

9. The surrounding area is urban in nature and comprises a mix of both historic and more modern architecture. Although relatively modern in appearance, the design of the appeal building, including its simple and clean roof, does not appear particularly discordant in this historic setting. It makes a neutral contribution to the significance, character and appearance of the CA.
10. The proposal would add a considerable amount of modern telecommunications equipment to the roof of the appeal building. This additional roof 'clutter' would detract from its simple design and would be at odds with the traditional roofscape of surrounding historic buildings. It would also draw the eye away from nearby listed buildings, to the detriment of their settings. Whilst the scheme would not harmfully impact upon features which give nearby non-designated heritage assets their significance and local interest, it would therefore fail to preserve the setting of nearby listed buildings and would harm the character or appearance of this part of the CA.
11. That said, the proposed equipment has been designed to be the lowest height necessary to achieve the efficient operation of the network. The majority of it would be sited away from the edge of the roof and the pattern and layout of nearby streets results in intervening buildings which would partially obscure

views towards it. There would be some views available from the eastern side of Charterhouse Square. However, such views would be somewhat restricted by established trees, even when they are not in leaf. Consequently, the proposal would not be overly prominent within the immediate area and would not significantly disrupt key views of local historic built form from street level. Even when viewed in context with existing telecommunications equipment in this area, the identified harm to the immediate historic environment would therefore only be limited.

12. The appeal site falls within Local View LV5 (Archway Bridge to the City of London) and within part of the viewing corridor of the protected vista from Alexandra Palace to St Paul's Cathedral. However, there are taller buildings than the appeal building in the area and the proposal's scale would not unduly dominate the skyline. The scheme would therefore not appear unduly dominant or prominent in these identified vistas.
13. However, taking all of the above factors into consideration, the proposal would fail to preserve the setting of nearby listed buildings and the character or appearance of the CA in the immediate vicinity of the appeal site would not be preserved or enhanced. The scheme would therefore conflict with Policies CS8 and CS9 of Islington's Core Strategy, Policies DM2.1, DM2.4 and DM2.7 of Islington's Local Plan: Development Management Policies (LP) and Policies 7.4, 7.6 and 7.8 of The London Plan. Amongst other things, these seek to ensure that proposals have regard to the form, function and structure of an area, complement local architectural character, conserve or enhance heritage assets and protect strategic views.
14. The identified harm would be less than substantial within the meaning of the Framework. Nevertheless, any such harm merits great weight in accordance with paragraph 193 of the Framework and falls to be weighed in the balance with the public benefits of the development. I will return to this in my planning balance.

Other Matters

15. The Council's decision notice refers to the Finsbury Local Plan Area Action Plan for Bunhill & Clerkenwell. However, it does not refer to any specific policies from this document. In any event, as I have found conflict with other policies of the Council's development plan, this has not been determinative to my decision.
16. The appellant has drawn my attention to a number of previous appeal decisions concerning telecommunications equipment. However, these appear to concern ground based infrastructure and are therefore not directly comparable to the appeal scheme, which I have assessed on its own merits.

Planning Balance

17. The Government recognises that greater connectivity is essential for economic prosperity. In addition, the Framework seeks to secure advanced, high quality and reliable communications infrastructure to support economic growth. The proposal would therefore provide public benefits which weigh considerably in the scheme's favour.
18. However, whilst the appellant states that it has explored other options for the equipment at 10 sites, the evidence as to why such sites would not achieve the

required coverage and have therefore been discounted is limited. In addition, there appear to be a number of nearby locations on buildings of a similar height to Nos 23-29 that either have or are seeking planning permission for telecommunications infrastructure. I have not been provided any substantive evidence to show why these sites are unsuitable. Neither am I persuaded that the sharing of equipment at telecommunications sites has been fully explored. Although the Council has not raised queries with regards to any of the 10 discounted options, taking the above into account I cannot be certain that an alternative site does not exist to address its overall concerns.

19. Consequently, a clear and convincing justification for permitting the less than substantial harm to the identified heritage assets has not been demonstrated, in line with the requirements of Policy DM2.3 of the LP and the Framework. Such harm would therefore outweigh the public benefits associated with this scheme. Overall, the proposal would conflict with the development plan as a whole and the advice of the Framework. There are no material considerations which outweigh this conflict.

Conclusion

20. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

M Heron

INSPECTOR