
Appeal Decisions

Site visit made on 25 August 2020

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an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal A Ref: APP/A5840/W/20/3246137

6-8 Borough High Street, London SE1 9QQ

- 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 Telefonica UK Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/5699, dated 1 October 2019, was refused by notice dated 30 November 2019.
 - The development proposed is the installation of 1 No antenna and associated development.
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Appeal B Ref: APP/A5840/Y/20/3246145

6-8 Borough High Street, London SE1 9QQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Telefonica UK Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/5700, dated 1 October 2019, was refused by notice dated 2 December 2019.
 - The works proposed are the installation of 1 No antenna and associated development.
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Decisions

Appeal A Ref: APP/A5840/W/20/3246137

1. The appeal is dismissed.

Appeal B Ref: APP/A5840/Y/20/3246145

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal concerns a listed building in a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 4. While the appellant has referred to policies in the New Southwark Plan, as its examination in public has not been completed, it is subject to change, which limits the weight I can accord it.
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Main Issues

5. The main issues are:

- whether the proposal would preserve the grade II listed building whose statutory address is 6, 8 and 10 Borough High Street, and any of the features of special architectural or historic interest that it possesses; and,
- whether it would preserve or enhance the character or appearance of the Borough High Street Conservation Area (CA).

Reasons

The significance of the listed building and the CA

6. This C19 building commands a busy and prominent space opposite Duke Street Hill, beside London Bridge. It has retained the characteristics of the Italian palazzo style, popular in the C19 for banks and offices, and which mark out its distinctive design and its contribution to the townscape of the CA. As far as it relates to this proposal, the massive projecting cornice, the single storey columnar order, and the strong horizontal line of its façade reflect the C16 Renaissance palaces of Florence and Rome which influenced its design. The legibility of the building relies on the order and language of the façade, which has a hierarchal layering of symmetrical, Classical elements. The building's typology and its architectural arrangement, including its elegant corner turn over two street levels, as well as the detailing of its order, retain significant historic and architectural special interest.
7. The siting of this building and the animation of its façade at street level reinforces the commercial character of Borough High Street while enclosing the quieter space beside it, its modelling reflecting the appearance of neighbouring Classical influenced C19 buildings, enriching the townscape of the CA.

The effect of the proposal on the significance of the listed building

8. The proposed antenna would have a small face size and it would be painted the same colour as the window frames. It would be fixed centrally in the modern, louvred section of the window near to which I saw a CCTV camera, a Fireman's switch and conduits which already disrupt the Classical language of the façade. These factors would diminish the superficial effect of the antenna on the architectural order of the building's façade.
9. However, part of the architectural significance of the building is the finely grained layering of the order of Classical elements across its façade. The delicate recessional progression of the order, from the projecting elements like the blocking frieze and the cornice over the main door, through the characteristic ornamentation and modelling of the pilasters with their paterae and relieved dados, to the reveals and cills of the window openings themselves, is the syntax of this formal architectural language.
10. I recognise that drivers' attention may be more directed to the road than to buildings and that traffic may partially screen the antenna, momentarily. However, the frontage is passed by many people crossing London Bridge and it would be in view from a wide direction. In any event, listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not public views of them can be gained.

11. In the delicate layering of this building, the antenna would appear an intrusive alien feature, disrupting the balanced order of the façade, diminishing its integrity and the special architectural interest of the grade II listed building, contrary to the clear expectations of the Act. It would conflict with policy 7.8 of the London Plan 2016 (LP) which requires development to conserve the significance of heritage assets by being sympathetic to their architectural detail. It would also run against policy 12 of Southwark's Core Strategy 2011 (CS) which expects development to preserve or to enhance its historic environment, and policy 3.24 of the Southwark Plan 2007 (SP) which says the LPA will not permit telecommunications equipment which have any adverse impact on a listed building or a conservation area.

The effect of the proposal on the CA

12. I have identified harm to the street façade of the listed building, notably its ground floor level. I have taken into account that the antenna would have only limited prominence in views from street level. However, the listed building contributes significantly to the sum of architectural and historic interest of the CA, particularly the order and arrangement of the facades of the buildings which form frontages within it, and which are important townscape elements of enclosure in the whole CA.
13. Against the scale of the building and the street, I acknowledge the degree of harm to the significance of the CA would be limited. Nonetheless, the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA, against which test, the effect of this proposal on the appearance of the CA fails, placing it in conflict with LP policy 7.8, CS policy 12, and SP policy 3.24.

Other Matters

14. In the context of the definition of setting in the National Planning Policy Framework (the Framework), as the surroundings in which a heritage asset is experienced, the antenna would have such limited impact on the setting of surrounding listed buildings that they would be preserved in accordance with the expectations of the Act, and the requirements of LP policy 7.8, CS policy 12, and SP policies 3.18 and 3.24, where they protect the settings of listed buildings. Nor would there be any conflict in this regard with the objectives of the Framework which recognises the potential for harm to the significance of a designated heritage asset from development within its setting.
15. The Council does not object to the internal works proposed in connection with the antenna, and I have no reason to disagree with its position. Cabling and routing could be run sensitively inside the building and the equipment housed in the basement store without material harm to the building's historic fabric or its spatial arrangement.

Planning Balance

16. Notwithstanding the lack of harm to the setting of the neighbouring listed buildings, the proposal would fail to preserve the special architectural interest of the listed building and the appearance of the CA. I give this harm considerable importance and weight in the planning balance of these appeals.
17. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight

should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Though I find the harm to be less than substantial, this does not equate to a less than substantial planning objection, particularly so where the statutory tests are not met.

18. Paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. It supports the delivery of advanced, high quality and reliable communications infrastructure networks, indicating it is essential for economic growth and social well-being, objectives shared by the Development Plan. The appellant refers to the emerging London Plan, which is at an advanced stage and which carries significant weight, which also recognises the importance of world-class digital connectivity in a world city.
19. I understand that the antenna would relieve pressure on existing sites which are unable to cope with demand, to ensure users can join the network with increased coverage and capacity, and to future-proof the quality of the network. I also note that this building was selected because its position would provide good coverage and capacity. Moreover, the site selection process did not progress alternative sites because their coverage would be inferior to this site. I recognise that this is the smallest antenna, and I acknowledge the challenges described to find suitable sites in the city centre. I do not underestimate the value of good mobile connectivity to the economic progress of the city and to its social functioning, which are important public benefits. All these public benefits do not however, outweigh the harm identified above.
20. I conclude that in the absence of a public benefit which would outweigh that harm, the proposal would fail to preserve the special architectural interest of the grade II listed building and the appearance of the CA, as well as the requirements of the Act, paragraph 192 of the Framework and the requirements and objectives of the development plan.

Conclusion

21. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

Patrick Whelan

INSPECTOR