
Appeal Decision

Site visit made on 5 October 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/V5570/W/20/3246770
74-76 St John Street, London EC1M 4DZ

- 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 Cornerstone Telefonica and Vodafone against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/2015/FUL, dated 27 June 2019, was refused by notice dated 27 August 2019.
 - The development proposed is installation of 6no. antennas and 2no. 0.3 metre dishes and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of 6no. antennas and 2no. 0.3 metre dishes and associated development at 74-76 St John Street, London EC1M 4DZ, in accordance with the terms of the application, P2019/2015/FUL, dated 27 June 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be begun not later than three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 Rev A; 200 Rev A; 201 Rev B; 300 Rev A; 301 Rev B; 302 Rev A; 303 Rev A; 304 Rev A; 305 Rev A; 306 Rev A; 307 Rev A.

Procedural Matters

2. I have used the site address as it appears on the Council's Decision Notice, as opposed to that given on the application form. This is because, following my visit to the site, I am content that it is accurate and fully reflects the street numbering of the appeal building.
3. The Mayor of London released, in December 2019, a version of the emerging London Plan (the ELP) that he intends to publish. Nevertheless, it is the case that modifications could still be made before the ELP is published. The ELP is thus at a stage that attracts limited weight in decision-making, and I shall determine the appeal accordingly.

Main Issues

4. The main issues are:

- Whether or not the proposal would preserve or enhance the character or appearance of the Clerkenwell Green Conservation Area (the CGCA), in addition to consideration of the proposal's effect upon the settings of the Charterhouse Square Conservation Area (the CSCA), the Grade I listed Charterhouse and various Grade II listed buildings closely located to the site; and in the event that I identify that the proposal would cause harm
- Whether or not the harm identified to the significance of designated heritage assets would be outweighed by the proposal's public benefits.

Reasons

The effect upon the CGCA and other designated heritage assets

5. The significance of the CGCA as a designated heritage asset is drawn, in-part, from its rich history, its broadly consistent building heights, its range of historic buildings and its varied mix of uses. This significance is further defined by the CGCA's perimeter block structure and compact urban form.
6. St John Street (the Street) acts as an important thoroughfare that runs at or in proximity to the CGCA's eastern edge. The Street is addressed by several Grade II listed buildings, including Nos 72, 78, 80, 82 and 84, 86 and 88 St John Street. These each form part of the same terrace and are located adjacent to, or in proximity to, the appeal site. The special interest of each of these listed buildings is drawn, in-part, from their relevance to the historic evolution of the area and from their array of ornate architectural features.
7. Also Grade II listed and situated nearby, but to the opposite side of the Street, are The White Bear Public House and No 69, 71 and 73 St John Street. Their special interest is derived, in-part, from their historic origins and impressively decorated front-facing elevations.
8. The significance of the CSCA, which the appeal site abuts to the rear, is drawn, in-part, from its long history and wide array of historic buildings. The Charterhouse, a Grade I listed complex of buildings and enclosures, is read and experienced as the CSCA's centrepiece and makes an important contribution to its character and appearance. The Charterhouse's special interest is drawn, in-part, from reflecting various building periods dating back to the 14th century, its well-ordered and ornately detailed facades and the spaciousness provided by its immediate open setting.
9. There are other Grade II listed assets situated to the rear of the site. These include Pensioner's Court and Stable Court, the special interest of which is derived, in part, from its formal layout, attractive exteriors and historic connections to The Charterhouse.
10. The appeal building itself is comparatively tall when considered in the context of the buildings that adjoin it and the typical height of other buildings in the locality. It is inherently modern in terms of its design and external appearance and its roof form is embellished by a curved feature to its frontage and a bulky plant room component set towards its rear. The proposal is

centred upon the addition of equipment at roof level, to be mounted or affixed to the plant room's roof and walls.

11. The proposed antennas would be of streamlined design and equally distributed between the front and rear sides of the plant room. Furthermore, their full height would be set only a short distance above the plant room's roof. The dishes and other associated equipment/items intended to be installed would also be discreetly scaled. Thus, where visible from surrounding street-level public vantage points, the proposed installations would not appear as an especially prominent, complex or untidy agglomeration of apparatus. This is particularly when noting the plant room's set back position relative to the Street.
12. Nevertheless, the proposal would introduce, to the CGCA, apparatus of modern design and specification that would influence and harm, to differing minor degrees, the way in which each of the designated heritage assets referenced above would be read and experienced. Such influences would be most palpable from high levels within or upon buildings positioned in proximity to the appeal site. I also note that the scheme, at least in part, would be visible from the Charterhouse's arched entrance point from Charterhouse Square.
13. Even so, it must be noted that the apparatus would be viewed either immediately above, alongside or against the backdrop of a similarly coloured, utilitarian and modern plant room component. This would clearly limit the scope and extent of the scheme's impacts in visual/heritage terms. Indeed, I am satisfied that the proposal would not cause harm to any designated heritage assets located, in their entirety, further afield than the 100m study area used in the appellant's Heritage Impact Assessment.
14. I have noted reference within the appellant's submissions to the potential to install high level panelling in the interests of providing a greater degree of visual uniformity. Indeed, related photomontages have been produced. However, the appeal process cannot be used to evolve a scheme and, given that I am allowing the appeal, I have not considered this matter in any particular detail.
15. The site is situated within the protected viewing corridor that exists between Alexandra Palace and St Pauls Cathedral and within protected Local View LV5, as listed under Policy DM2.4 of Islington's Local Plan: Development Management Policies (June 2013) (the DMP). Having considered all the submitted evidence that is before me, I am content that the proposal would not, to any material degree, have an effect upon these protected views. Furthermore, being of limited scale, it is reasonable to anticipate that the proposed development would not be clearly decipherable as part of any long-range view. The proposal satisfactorily accords with the requirements of Policy DM2.4.
16. The proposal has been designed to broadly accord with the specific guidance upon mobile phone/telecommunications masts that is contained within the Urban Design Guide Supplementary Planning Document (January 2017) (the UDG), in the sense that the apparatus would be located where it would be largely obscured from the surrounding public realm and so as not to impact adversely upon the skyline from longer views.

17. There are also elements of Policy DM2.7 of the DMP, which relates specifically to telecommunications and utilities, that the proposal broadly accords with. Indeed, notwithstanding its intended roof location, efforts have been made to site and design the equipment to minimise visual impact and a shared facility is proposed. Furthermore, I have seen nothing to clearly illustrate that the relevant industry Code of Best Practice has not been fully adhered to by the appellant.
18. Nevertheless, for the above reasons, the proposal would fail to preserve or enhance the character or appearance of the CGCA and would cause less than substantial harm to its heritage significance. The proposal would also cause less than substantial harm to the significance of the CSCA, the Charterhouse and various Grade II listed buildings closely located to the site through bringing forward high-level modern development within their settings.
19. The proposal conflicts with Policies 7.4, 7.6 and 7.8 of the London Plan (2016), Policies CS8 and CS9 of Islington's Core Strategy (February 2011) (the Core Strategy), Policies DM2.1, DM2.3 and DM2.7 of the DMP, Policy BC7 of the Finsbury Local Plan (June 2012) and Islington's Conservation Area Design Guidelines (Revised Version, January 2002) in so far as these policies and guidance require that all forms of development make a positive contribution to the local character and distinctiveness of an area and that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

Public benefits

20. As set out in the National Planning Policy Framework (February 2019) (the Framework), any less than substantial harm to designated heritage assets should be weighed against the public benefits of the proposal. Indeed, this is reflected in the wording of Policy DM2.3 of the DMP where it is stated that harm to the significance of either a conservation area or a listed building will not be permitted unless there is clear and convincing justification.
21. As set out in the Framework, advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. The scheme would support high quality communications and digital connectivity by providing 2G, 3G and 4G connectivity for two different nationwide networks that have a high market share in cumulative terms, as well as the future ability/opportunity to upgrade to 5G services.
22. The proposal has been motivated by the removal/decommissioning of former telecommunications apparatus at nearby Florin Court, Charterhouse Square and an associated desire to ensure continuity of coverage and capacity in the area. Indeed, it is evident from the appellant's submissions that a detailed site selection process was undertaken; governed, at least in part, by a need for the newly proposed equipment to be closely located to the decommissioned site in the interests of satisfying lost capacity/coverage.
23. It is apparent from alternative site selection information that other sites can be discounted for various reasons, including due to their lack of proximity to Florin Court, their inadequate or excessive height and their lack of structural

suitability. Indeed, I have no reason to doubt that the sourcing of appropriate telecommunication sites in this particular central part of London would be problematic. This is not least due to the wide array of heritage constraints that exist and the high demands that are inevitably placed upon available service provision.

24. As well as network status maps provided by an interested party, I have considered submitted coverage mapping¹, which models, in broad terms, the strength of 3G coverage based on the service currently provided against the service that would be provided should the proposed apparatus be installed. Whilst this evidence suggests that strong signal strengths are already widely available in the local area, the coverage mapping illustrates that the proposal would still deliver tangible improvements in this context.
25. In any event, the Framework indicates that the need for electronic communication systems should not be questioned when determining development schemes. Indeed, it is realistic and fair to presume that planning permission is only being sought because the scheme would lead to noticeable local improvements in service provision. It has been satisfactorily demonstrated that potential suitable and available alternative local sites are very restricted in number. Thus, particularly when factoring in the site/case circumstances to hand, the scheme's benefit of providing improved digital communications networks attracts significant weight.
26. I am mindful of the statutory duties that require special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas and of preserving or enhancing listed buildings, their settings or any special architectural or historic interest which they possess. I am also conscious that the Framework indicates that, when considering the impact of a proposal upon the significance of designated heritage assets, great weight should be given to the assets' conservation. This is irrespective of whether any identified harm to its significance is at a substantial or less than substantial level.
27. Nevertheless, I am content that the minor level of less than substantial harm that I have identified to multiple designated heritage assets, even when considered in a cumulative sense, would be outweighed by the significant public benefits that would be achieved by the proposal. Therefore, the proposal accords with the relevant heritage provisions of the Framework and with Policy DM2.3 of the DMP in so far as it offers the opportunity for harm to the significance of designated heritage assets to be offset by clear and convincing justification.

Other Matters

28. Any concerns that the proposed equipment would pose unacceptable health and safety risks have not been robustly substantiated. Indeed, I have no reason to doubt that the apparatus would be firmly secured. The Framework sets out that health safeguards different from the International Commission guidelines for public exposure should not be set. Certification that the relevant guidelines shall be complied with has been provided as part of the appellant's submission. I am satisfied that the proposal is acceptable in a health context,

¹ Supporting Technical Information for CTil CSR 72971

notwithstanding the proximity of neighbouring residential occupiers including children.

29. I am also content that the proposal, due to its limited scale and the nature of the equipment proposed, would not cause harm to neighbouring/nearby residential living conditions. This is notwithstanding the scheme's proximity to a neighbouring roof garden. Any concern that the proposal would have an adverse effect upon wildlife has not been clearly or robustly substantiated and I have no reason to believe that harm would be caused in this context.
30. I note that a previous planning application² for roof-based telecommunications equipment at the same site was refused in 2010. However, it is apparent from the evidence before me that a different form of development to that now proposed was under consideration. Indeed, as part of that previous proposal, the intended antennas protruded noticeably above the height of the plant room's roof and would have been far more visually prominent. In any event, I must consider the proposal that is before me upon its own individual merits.

Planning Balance

31. I have found that the proposal would fail to preserve the character or appearance of the CGCA and would cause a minor level of less than substantial harm to the heritage significance of the CGCA and various other designated assets through development within their settings. I have also identified associated policy conflicts. Indeed, the proposal conflicts with the development plan when read as a whole.
32. However, I have also found that the proposal would deliver significant public benefits through improved digital communications networks. These benefits would outweigh the heritage harms that I have identified. Thus, material considerations indicate that, in this instance, the proposal should be determined other than in accordance with the development plan.

Conditions

33. In the interests of certainty, a condition specifying the approved plans is required. For the avoidance of doubt, any installation additional to those shown on the approved plans would not be permitted under the terms of this decision.

Conclusion

34. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

² P101806