
Appeal Decision

Site visit made on 18 November 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 December 2020

Appeal Ref: APP/X5990/W/20/3256792

Polytechnic of Central London, 18-22 Riding House Street, London W1W 7BY

- 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 EE Limited & Hutchinson 3G UK Limited against the decision of City of Westminster Council.
 - The application Ref 20/02791/FULL, dated 23 April 2020, was refused by notice dated 24 June 2020.
 - The development proposed is described as installation of replacement telecommunication equipment with 6 apertures and associated support poles and equipment at roof level.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the Council's description of development in the banner heading above, as it is more concise than that given on the application form.

Main Issue

3. The main issue is the effect of the development on designated heritage assets, namely: whether it would preserve the setting of a Grade I listed building, and whether it would preserve or enhance the character or appearance of East Marylebone Conservation Area (the Conservation Area).

Reasons

4. The appeal site is an 8-storey concrete and glass tower which forms part of 18-22 Riding House Street, and atop which telecommunications antennae are currently mounted. The development would entail their replacement with 6 apertures and associated equipment mounted on new supports/poles.
5. The top of the apertures would stand at a slightly greater height above ground level than the existing antennae, and would be significantly more bulky. In consequence they would have a much greater physical and visual presence.
6. The site lies near to the Church of All Souls, which is a Grade I listed building. Insofar as it is relevant to the appeal, the special interest and significance of the listed building lies in its early nineteenth century date and architectural design by John Nash, and the intentional role that it plays as a focal point within the townscape. Whilst this is most strongly expressed in the vista along

Regent Street, the church also both terminates the view and serves as a focal point along the western section of Riding House Street.

7. The site is also located within the Conservation Area. Insofar as it is relevant to the appeal, the significance of the Conservation Area resides in the planned layout of streets, spaces, and surviving contemporary buildings; and the range of otherwise chiefly mid-nineteenth to early twentieth century architecture. In this context, the view towards the Church of All Souls along Riding House Street makes an important contribution to the significance of the Conservation Area, notwithstanding the fact the church is located outside the boundary.
8. 18-22 Riding House Street is a largely 1920s building, whose 4 main storeys make a consistently scaled, and architecturally positive contribution to the street scene. The 8-storey height of the concrete and glass tower at the centre of the frontage however represents an abrupt departure, wholly at odds with the prevailing scale of the surrounding historic townscape. It is therefore conspicuous if not somewhat intrusive within views along Riding House Street towards the Church of All Souls, as too along Middleton Place opposite, which otherwise contains a good collection of Georgian buildings. The top of the tower can also be clearly seen from various other points within the Conservation Area, from which it is seen to rise above the historic roofscape.
9. The antennae currently mounted atop the tower are obvious within all the above views, and the more so given the otherwise clean rectilinear form of the building. In this context they appear as rooftop clutter, whose prominence is visually obtrusive. This detracts from the character and appearance of the Conservation Area, and, by forming a distraction within the view towards the Church of All Souls, it detracts from appreciation of its significance. Given that the proposed apertures would have a much greater physical and visual presence than the antennae, and given that their siting would not be any less prominent, it can only follow that they would have a more negative visual effect upon both the Conservation Area, and the setting of the listed building.
10. Another tall building, which lies closer the church than the appeal site, also features antennae. However, I see no reason why any harm that this currently causes should be held to justify the harm that I have identified above.
11. The appeal scheme differs from one previously proposed at the site, which was itself dismissed at appeal. That scheme entailed a larger installation, of greater height, physical and visual presence. It would therefore have been more harmful than that now proposed. Be that as it may, it does not alter the fact that the current appeal scheme would give rise to harm in its own right.
12. In view of my findings above, the development would not preserve or enhance the character or appearance of the Conservation Area, or preserve the setting of the Church of All Souls. With reference to paragraph 196 of the National Planning Policy Framework (the Framework), I find that the works would cause less than substantial harm to the significance of both the listed building and Conservation Area. In each case I attach considerable importance and weight to the harm that would be caused. In accordance with the Framework it is necessary to balance this harm against the public benefits advanced in favour.
13. The Framework states that advanced, high quality and reliable communications infrastructure is essential to support economic growth and social well-being. These benefits would be amplified in this case by site sharing.

14. However, whilst indicating its support for the expansion of communications infrastructure, the Framework nonetheless states that applications for communications development should be supported by the necessary evidence to justify it. The need for clear and convincing justification where harm would be caused to designated heritage assets, is also separately required by paragraph 194 of the Framework, and here reflects the great weight that paragraph 193 places on conservation.
15. In the above regards, aside from the scheme previously dismissed at appeal, alternatives to the proposed development have not been explored. As such, it has not been clearly or convincingly demonstrated that the same benefits could not be delivered through development in a different location, and/or of a different type, that would entail less harm.
16. The fact that existing antennae would be removed once the new ones were operational, means that there would not necessarily be any proliferation of communications equipment were a different site or solution to be employed. This is not therefore a reason to neglect consideration of alternatives, and nor is adherence to a sequential approach to site selection, given that 'upgrading' of the existing site would clearly give rise to harm.
17. Though the appellant nonetheless states that discounted options have been previously provided, no specific discounted options, past or present, have been set before me. Whilst the appellant further states that the Council itself historically agreed that the tower was the most appropriate location for antennae, the Council indicates that no record of any past consent exists.
18. Given the lack of evidence necessary to justify the development and the harm that it would cause, I cannot conclude that the development in fact draws support from the Framework. Thus, whilst recognising the social and economic importance of communications infrastructure, I attach only limited weight to the public benefits in this case. As such, the harm caused to the significance of designated heritage assets would not be outweighed by public benefits.
19. For the reasons outlined above, I conclude that the scheme would have an unacceptable effect on designated heritage assets, failing to preserve the setting of a Grade I listed building, and to preserve or enhance the character and appearance of the Conservation Area. The development would thus conflict with Policies S25 and S28 of the Westminster City Plan 2016, which set out the objectives of conserving Westminster's heritage assets and achieving exemplary standards of design; saved Policy DES1 of the Unitary Development Plan (UDP), which seeks to secure both objectives; saved Policy DES6 of the UDP, which states that permission will be refused for telecommunications equipment which is visually intrusive; and saved Policy DES10 part (D) of the UDP which seeks to protect the setting of listed buildings, including in relation to recognised views.

Conclusion

20. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR