



Appeal Decision

Site visit made on 1 December 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/K5600/W/20/3256844

Mansion Waterside House, 190 Kensal Road, London W10 5BN

- 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 Ltd and Hutchison 3G UK Ltd against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/20/02369, dated 7 May 2020, was refused by notice dated 3 July 2020.
 - The development proposed is a telecommunications rooftop upgrade and associated ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for a telecommunications rooftop upgrade and associated ancillary works at Mansion Waterside House, 190 Kensal Road, London W10 5BN in accordance with the terms of the application, Ref PP/20/02369, dated 7 May 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan:
719066 KAC021_98339_W0216_M006 Issue E (incorporating drawings 002 Site Location Plan, 100 Existing Site Plan, 150 Existing Elevation A, 215 Max Configuration Site Plan, and 265 Max Configuration Elevation)
 - 3) All work and work of making good shall be finished to match the existing exterior of the host building in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.

Procedural Matter

2. The submitted plans and the Council's officer report refer to the appeal site as Garrow House as well as Mansion Waterside House, and I saw at the time of my site visit that this name was in use in signage on the building itself. However, for consistency with the original application I have used the address from the planning application form in the banner heading and formal decision above.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a residential student accommodation building, with five storeys as well as a rooftop plant room. It has a telecommunications mast carrying six antennas and two 300mm dishes mounted on top of the plant room alongside other ancillary equipment, and there is a large equipment cabin on the main roof level. The proposed development is the replacement of the existing stub tower mast with a slim monopole, the installation of six new antennas to replace the existing group, as well as other ancillary equipment. The existing 300mm dishes would be reinstalled on the new monopole, and as at present most of the equipment cabinets would be inside the rooftop cabin. The proposal would provide new 5G services, as well as other improvements in network connectivity, to the surrounding area.
5. The host building is similar in height and scale to the buildings to its west between Kensal Road and the Grand Union Canal. There are some taller buildings in the vicinity, including Adair Tower and Hazlewood Tower within the Kensal New Town Estate to the south, and Trellick Tower to the south east. However, the area (including the north side of the canal which lies within the City of Westminster) is largely characterised by low and medium-rise housing, typically of between two and five storeys. The existing rooftop mast is visible from various nearby public locations including Kensal Road to the south east, the canal footbridge immediately east of the appeal site, and within the small park known as Emslie Horniman's Pleasance to the south west. I saw on my site visit that from those places the installation is seen against the sky, and to differing degrees it is therefore already a relatively prominent feature of views from some parts of the locality. It can also be seen from Second Avenue on the north side of the canal, although other than in close views from there it is set against the backdrop of Adair Tower, and its prominence is therefore somewhat reduced.
6. The proposed monopole would be taller and slimmer than the existing tower. The six antennas would be set at a slightly higher level, with horizontal centrelines around 26m above ground level compared to 25m at present, rising to an overall height of just over 27m above the ground. The antennas would also be spaced further apart than those currently in place, and this would mean that the head of the installation would be larger and more prominent than at present. However, given the relatively small increase in height, and the use of a more slender monopole mast than at present, the overall increase in massing would be very limited. I do not therefore consider that the proposal would effectively lead to the creation of a dominant tall building when compared to the current situation.
7. I acknowledge that the installation would still be functional rather than attractive in its appearance. However, as a slightly larger replacement for an existing mast it would not be an incongruous or visually disruptive development, and indeed for most people I consider that mobile communications masts would be an expected part of the inner London urban landscape. Overall, I consider that the proposed development would have only

a slightly greater visual impact than the present structure, and this would not cause significant harm to the area.

8. The existing base station was installed under permitted development rights, and two applications for upgrading it have been refused in recent years¹. While I do not have all of the details of those proposals, the Site-Specific Supplementary Information submitted as part of the current proposal includes drawings of the two previous schemes. These indicate that the height and width of the proposed installation before me are reduced from the earlier schemes, and the overall visual impact would be much smaller than previously proposed.
9. The National Planning Policy Framework states at Paragraph 113 that the use of existing masts, buildings and other structures for new electronic communications capability should be encouraged. It is also the case that in order to function effectively, telecommunications antennas generally need to be in an elevated position. This proposal re-uses an existing site, and although the Council acknowledges that providing effective 5G mobile network services would be of benefit to local residents it has not suggested any alternative sites or approaches which it considers suitable.
10. I conclude that the proposed development would be acceptable in terms of its effect on the character and appearance of the area. I therefore find no conflict with Policies CL1, CL2, CL8, CL11 and CL12 of the 2019 Kensington and Chelsea Local Plan, which among other things require development to respond to local context, and to avoid detrimental effects on rooflines, views and vistas.

Conditions

11. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance. Where necessary I have altered the proposed wording in the interests of clarity and effectiveness.
12. As well as the standard time limit condition, for certainty I have specified the approved drawings. A condition requiring all work to match the existing host building is necessary to preserve its appearance and to protect the character and appearance of the area.

Conclusion

13. For the reasons given above the appeal is allowed.

M Cryan

Inspector

¹ LPA references PP/19/01052 and PA/19/07482