
Appeal Decision

Site visit made on 15 March 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2021

Appeal Ref: APP/V5570/W/20/3260916

361-373 City Road, Clerkenwell, Islington, London EC1V 1LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by MBNL against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/1915/PRA, dated 10 July 2020, was refused by notice dated 10 September 2020.
 - The development proposed is telecommunications rooftop installation upgrade and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice. Whilst the Council's description is more detailed, the original description is not inaccurate and I have determined the appeal on this basis.
3. Whilst my attention has been drawn to development plan policies, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to Class A of Part 16 of the GPDO as it does not require regard to be had to the development plan. In my determination of this appeal the development plan has not therefore been decisive.
4. The London Plan (2021) (LP) was adopted during the course of the appeal. The parties were offered the opportunity to comment on any policies they considered relevant.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area with particular regard to its siting and appearance.

Reasons

6. The roof of the building already hosts a range of telecommunications equipment. The proposal seeks a range of additional equipment, the most prominent of which would be 6no. apertures which would be provided across three new tri-pods. One would be located on the western side of the roof, one on the east towards the rear and one centrally sitting close to the front elevation of the building. They would be of increased overall height and bulk in comparison to the existing equipment.

7. The appeal site is a tall and prominent building which is situated on the northern side of the busy City Road. It sits at roughly double the height of the attractive early 19th Century grade II listed terraces which both flank and oppose the site and is also within the Duncan Terrace/Colebrooke Row Conservation Area (the Conservation Area). The form, scale, materials, detailing of the terraces and their uniformity of design across each range are defining features of the character and appearance of this part of the Conservation Area.
8. The apertures would be viewed when approaching from the north west within the same frame of view as the grade II listed terraces of 383-387 and 375-379 City Road, despite the presence of some street trees which would only partially limit views. When approaching from a south easterly direction they would be viewed within the same context as the terrace at 319-359 City Road, also grade II listed. They would be particularly prominent in these views given there is no tree planting for a significant distance in a south easterly direction and as a result of the slight rise of the road which draws attention to the building when travelling in a north westerly direction.
9. Whilst I appreciate that the host building itself stands somewhat uncomfortably against the terraces and that not all of the apertures would be visible within each frame of view, some would be visible or partially visible from both directions. Their siting and appearance as a result of their prominent positioning and protrusion above the roof of the building further than those existing, would lead to them forming rather incongruous features within this particular setting. They would jar against the pleasing rhythm of the flanking listed terraces, harming their setting. Subsequently, they would detract from the heritage significance of this part of the Conservation Area which lies in part with the form, scale, materials and detailing of the terraces and their uniformity of design.
10. The harm to the significance of the Conservation Area would be less than substantial. Paragraph 196 of the National Planning Policy Framework requires such harm to be weighed against any public benefits of the proposal.
11. The apparatus is required in association with the rollout of 5G technology. I acknowledge that there are various socio-economic benefits associated with increased levels of connectivity and that there is wider government support for the 5G rollout. These are public benefits that should be afforded significant weight. However, whilst I completely understand the logic and common sense of seeking to utilise a site that already supports telecommunications equipment, there has not been any proper or thorough consideration to the potential of any alternative site that may be less harmful.
12. When considering the impact of a proposed development on the significance of designated heritage assets, the National Planning Policy Framework requires great weight to be given to the asset's conservation. I am also required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Within this context, the public benefits identified are not sufficient to outweigh the harm, particularly as it is not clear if a less harmful site could be found.
13. The proposal fails to accord with Policies DM2.1 and DM2.3 of the Islington Local Plan: Development Management Policies (2013) and LP Policy HC1 which amongst other things require proposals to make a positive contribution to local character and distinctiveness and conserve the significance of heritage assets. The proposal would also run against the design guidelines¹ for the Conservation Area

¹ Islington's Conservation Area Design Guidelines A supplement to the UDP Revised version January 2002.

which outline the Council's opposition to radio or satellite equipment at roof level where this can be seen from street level.

Other Matters

14. I appreciate that the appellant has revised the proposals from an earlier iteration in order to try and secure an acceptable scheme. However, I have found the scheme, in the form before me unacceptable.

Conclusion

15. For the reasons above, the appeal should therefore be dismissed.

T J Burnham

INSPECTOR