



Appeal Decision

Site visit made on 20 April 2021

by Joanna Gilbert MA(Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2021

Appeal Ref: APP/V5570/W/20/3264247

Angel Shopping Centre, Parkfield Street, London N1 0PS.

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL (EE (UK) Ltd and H3G (UK) Ltd) against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/1385/PRA, dated 26 May 2020, was refused by notice dated 15 July 2020.
 - The development proposed is the installation of 6 no. antenna apertures, 4 no. transmission dishes and 5 no. equipment cabinets on the roof of the building, a meter cabinet at ground-level and development ancillary thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the installation of 6 no. antenna apertures, 4 no. transmission dishes and 5 no. equipment cabinets on the roof of the building, a meter cabinet at ground-level and development ancillary thereto at Angel Shopping Centre, Parkfield Street, London N1 0PS in accordance with the application Ref P2020/1385/PRA, dated 26 May 2020 and the plans submitted with it and subject to the standard conditions set out in Schedule 2, Part 16, Class A, A.2 of the GPDO.

Procedural Matter

2. The new London Plan was adopted in March 2021. London Plan Policies 7.4, 7.6 and 7.8 have been replaced by Policies D4, HC1, and SI 6 of the new London Plan in this instance. I have considered the appeal accordingly.

Main Issue

3. This appeal relates to an application for prior approval under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). There is no dispute that the proposed development would comply with the limits allowed under Schedule 2, Part 16, Class A of the GPDO. As this appeal is against the refusal of prior approval, the only issues which can be considered are siting and appearance.
4. The main issues in this appeal are therefore:

- a) the effect of the proposed development on the character and appearance of the area, with particular reference to the nearby Barnsbury Conservation Area and Grade II listed buildings at 1 - 14 and 15 - 25 Bromfield Street; and
- b) in the event that any harm is identified, whether that harm would be outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

Character and appearance

- 5. The appeal site is located at the Angel Central Shopping Centre, a shopping, cinema, and music venue located between Upper Street and Liverpool Road. The building extends along Parkfield Street and forms a block with the adjacent six-storey Premier Inn building. At ground level, there is a range of street furniture along Parkfield Street, including bollards, signage, lampposts, and street cabinets. The building's roof varies in height, with a tower of similar height to the Premier Inn adjacent to a flat roof and rooftop plant equipment, and angled roofs surrounding the shopping complex fronting Liverpool Road.
- 6. The proposed development would include six antenna apertures, four transmission dishes, five equipment cabinets on the building's roof, and a meter cabinet at ground level. The proposed development at rooftop level would be situated on the part of the building closest to the Premier Inn building, while the ground level cabinet would be situated on Parkfield Street.
- 7. Some elements of the proposed development would be set back from Parkfield Street and would adjoin existing rooftop plant. However, a steel roof-pen support structure, antenna apertures, dishes, and ancillary equipment would be sited on the building's roof directly adjacent to Parkfield Street.
- 8. Although the appeal site does not lie within a conservation area, it is located close to the Barnsbury, The Angel and Chapel Market/Baron Street Conservation Areas. In this instance, the Council has identified that the Barnsbury Conservation Area (the conservation area) would be detrimentally affected by the proposed development. The conservation area's significance is largely derived from its late Georgian and early Victorian architecture. It contains fine sequences of squares and residential terraces, as well as shopping frontages along Caledonian Road and Liverpool Road.
- 9. In addition to the conservation area, the appeal site lies close to Grade II listed buildings at 1 – 14 and 15 – 25 Bromfield Street. The two listed terraces on Bromfield Street date from the 1830s and 1840s and are three-storey brick buildings with stucco detailing, including strong parapets and consistent rooflines. No 25 is a former public house which forms part of the terrace and turns the corner of Bromfield Street and Parkfield Street. Although a number of the buildings have been painted, the two terraces are generally uniform and largely externally intact examples of buildings of their period. They also provide townscape value and indicate the historic pattern of development of the area.
- 10. The ground level equipment and elements of the rooftop equipment set back adjacent to existing rooftop plant would be unobtrusive given the presence of other street furniture and rooftop paraphernalia respectively. However, the

element of the proposed development closest to the Parkfield Street elevation would be visible from within the conservation area and from and in the context of listed buildings on Bromfield Street. Given their location, height and uncompromisingly modern and utilitarian appearance, the roof-pen and the antenna apertures and associated equipment would be visible against the skyline and would be dominant and discordant in this location.

11. The appellant previously applied for prior approval (P2019/3230/PRA) on the appeal site. The proposed development represents a reduction of three equipment cabinets from that previous application, which would slightly reduce the effect of the proposed development in comparison to its predecessor.
12. I find that the proposed development would have a harmful effect on the character and appearance of the area, with particular reference to the nearby Barnsbury Conservation Area and Grade II listed buildings at 1 - 14 and 15 - 25 Bromfield Street. As a consequence, there would also be harm to the significance of the conservation area and the listed buildings. The harm would be less than substantial and would be no more than moderate, stemming from the height and appearance of the proposed development and the location of part of the proposed development directly adjoining Parkfield Street.
13. In this respect, the proposed development would be contrary to Policies D4, HC1 and SI 6 of the London Plan, Policies CS8 and CS9 of Islington's Core Strategy 2011 (CS), Policies DM2.1, DM2.3 and DM2.7 of Islington's Development Management Policies 2013 (DMP), and the Islington Urban Design Guide Supplementary Planning Document 2017 (the SPD). These policies and guidance mainly deal with, amongst other things, considering design and character and preserving or enhancing the historic environment, while Policies SI 6 and DM2.7 and the SPD also address telecommunications and utilities. Policy DM2.6 was referred to in the Council's reason for refusal, but as it relates to advertisements, it does not appear directly relevant. The Council has referred to Conservation Design Guidelines 2002, but these have not been provided to me. I have also had regard to Chapter 16 of the National Planning Policy Framework (the Framework) which deals with conserving and enhancing the historic environment.
14. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This is echoed in Policy DM2.3 of the DMP. I address public benefits and the planning balance below.

Benefits and planning balance

15. As set out at paragraph 112 of 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. Paragraph 115 of the Framework confirms that applications for telecommunications development should be supported with the necessary evidence to justify the proposal. This should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

16. The importance of digital connectivity is further underlined by a range of recent documents, including the 2015 report on Fixing the Foundations: Creating a more prosperous nation and the Written Statement of the Minister of State for Housing and Planning on 17 March 2016. It should also be noted that paragraph 116 of the Framework indicates that the need for electronic communication systems should not be questioned when determining applications.
17. The appellant's rationale behind the application and subsequent appeal is that the proposed development is necessary to replace a site located at 9 - 17 St Albans Place. The former site was a shared facility which served both EE and H3G. The redevelopment of the former site has resulted in existing antennas and ancillary equipment having to be removed from that site.
18. The appellant has submitted coverage mapping for the two networks. This mapping models the level of coverage at present against that which would be achieved with the proposed development. This indicates that there would be improvement in coverage as a result of the proposed development. While some enhancement of coverage is likely if the proposed development were implemented, the emphasis of the appellant's documentation is on replacing a lost operational site and remedying the associated effect on network services.
19. Indeed, in order to provide coverage for customers, including the emergency services, the appeal site is one of three sites which would provide replacement facilities for the former site. In addition to the appeal site, the other new sites are located at the Hilton Hotel and Waterloo Gardens. Based on the changes which had to be made to the scheme for the Hilton Hotel, the other sites would not necessarily offer scope to provide a larger base station. A further base station location therefore remains necessary for adequate coverage and connectivity, including 2G, 3G and 4G and scope for 5G by two national networks. No evidence has been provided to contradict this view.
20. It is clear from the appellant's submissions that the site selection process involved consideration of a range of sites and required those sites to be in proximity to the former site to ensure appropriate coverage of the area. Alternative sites were considered prior to the submission of the application and 15 sites were discounted. These sites have not been questioned by the Council. It is apparent that the alternative sites had various constraints such as their height, visibility from the public realm, and their relationship with heritage assets including conservation areas and listed buildings. Given the density of development and the number of heritage assets in the locality, it is not surprising that these sites were discounted, predominantly due to their greater perceived effect on heritage assets than at the appeal site.
21. The appellant has drawn a number of appeal decisions to my attention, including a recent decision in Islington. Notwithstanding the content of those appeals, I have dealt with this appeal on its own merits.
22. To my mind, the appellant has satisfactorily demonstrated that the proposed development is necessary for coverage of the locality by two networks and that alternative sites are more constrained than the appeal site. Given the specific circumstances of this appeal, I find that the proposed development's benefits in terms of providing improved digital connectivity should be given significant weight.

23. Taking all the above into consideration, I am of the view that taken together, significant weight can be afforded to the public benefits of the proposed development, which would outweigh the moderate harm to the significance of the conservation area and to listed buildings. The proposed development would conflict with Policies D4, HC1 and SI 6 of the London Plan, CS Policies CS8 and CS9, DMP Policies DM2.1, DM2.3 and DM2.7, and the SPD. However, in this particular instance, there are significant and important public benefits in terms of enhanced digital communications networks which indicate that development should be allowed; and thereby justify making a decision not in accordance with the development plan.

Other matters

24. In terms of the impact of the proposed development on the health of local residents, the appellant has submitted a declaration of compliance with the International Commission on Non-Ionizing Radiation Protection. I also recognise that listed buildings and buildings in conservation areas have greater restrictions placed on development than in other locations. However, neither of these matters alter my overall findings.

Conditions

25. The Council has provided conditions on time limits and plans. However, as this appeal is for prior approval, relevant conditions are set out in Schedule 2, Part 16, Class A, A.2 of the GPDO. As such, I have not applied the Council's suggested conditions.

Conclusion

26. For the reasons given above, and having had regard to all other matters raised, the appeal is allowed subject to the standard conditions set out in Schedule 2, Part 16, Class A, A.2 of the GPDO.

Joanna Gilbert

INSPECTOR