



Appeal Decision

Site visit made on 1 April 2021

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2021

Appeal Ref: APP/X5990/W/20/3256315

Sardinia House, 51-52 Lincoln's Inn Fields, London WC2A 3LZ

- 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 City of Westminster Council.
 - The application Ref 19/08432/FULL, dated 25 October 2019, was refused by notice dated 21 January 2020.
 - The development proposed is the installation of 6 antennas, together with the addition of 5 cabinets on new steel grillage and ancillary development.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of 6 antennas, together with the addition of 5 cabinets on new steel grillage and ancillary development at Sardinia House, 51-52 Lincoln's Inn Fields, London WC2A 3LZ, in accordance with the terms of the application Ref 19/08432/FULL, dated 25 October 2019, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appellant has sought to remove two dishes from the proposal. The two dishes were small and located below the proposed antennas in a less conspicuous position than the proposed antennas. There therefore seems to be no reason why accepting these revised drawings should prejudice the Council's position, or that of any other party. The Council have also confirmed that they have no objection to the removal of these items. I have therefore had regard to the revised drawings in coming to my decision. I have also reflected this in a change to the description of development to remove the reference to the two dishes.
3. There is dispute between the appellant and the Council regarding the number of the appeal property on Lincoln's Inn Fields. I have used the numbers of 51-52 as set out by the Council. This address in conjunction with the site location plan and other documentation clearly identifies the appeal site.
4. Since the decision was made on the planning application, the Council have adopted their City Plan 2019-2040 (the CP). This replaces all policies in the old City Plan and Unitary Development Plan. I provided both parties with the opportunity to comment on the new development plan. I have reflected the new policies in my decision below.

Main Issues

5. The main issue is whether or not the proposed development would harm the significance of nearby heritage assets, in particular the Strand Conservation Area, Lincoln's Inn Fields park and garden, and The Old Curiosity Shop and Lincoln Chambers listed buildings, and, if so, whether or not any public benefits of the proposal would outweigh the harm caused.

Reasons

6. The appeal property is an up to eight-storey building located just off Lincoln's Inn Fields, which is a grade II listed park and garden. The building lies in the Strand Conservation Area. The Old Curiosity Shop is a grade II* listed building on Portsmouth Street. Lincoln Chambers is grade II listed and located on Sheffield Street.
7. It is proposed to erect five cabinets with associated support structures and handrails on the roof of the existing building, and six antennas and ancillary equipment, support structures and handrails on the roof of an existing plant room on the roof. The Strand Conservation Area Audit Supplementary Planning Guidance, dated January 2003, identifies roof profiles as an important element of the conservation area. The proposed introduction of telecommunications equipment would add unattractive visual clutter to the roof of the building. However, the existing building's roof profile has already been disrupted by the existing plant room. In addition, the proposal would largely be screened from views nearby, due to street trees, the relative narrowness of Sardinia Street, Portsmouth Street and Sheffield Street, and that the proposed equipment would be set away from the street frontage of the building towards the centre of the roof.
8. For the same reasons, the appeal proposal would barely be perceived in conjunction with the listed buildings. Where it would be perceived, such as in the viewpoints along Portsmouth Street identified by the Council, it would have a negligible effect due to being located in an elevated position, away from the listed buildings, and because the buildings are already surrounded by relatively tall buildings with a variety of roof profiles and designs. The appeal proposal would be visible in the backdrop to views from within the listed park and garden and from a number of surrounding buildings. However, this would largely be at middle or long distance which would mitigate the effect this would have. The proposal would also be perceived against a backdrop of other roof alterations and equipment to nearby buildings, such as at 14 Kingsway and 1 Kemble Street.
9. Nevertheless, the proposal would represent the addition of unattractive telecommunications equipment that would be visible from several vantage points and surrounding buildings. There is also relatively limited roof level equipment on other buildings immediately surrounding the appeal property. The proposal would therefore fail to preserve or enhance the character or appearance of the conservation area, and would harm the setting of the nearby listed buildings and park and garden. It would therefore harm the significance of these heritage assets. Policy 38 of the CP requires high quality design. Policy 39 requires that development not harm the significance of heritage assets. Policy 40 requires that alterations to the roofscape not harm the townscape of the area. The proposal would therefore fail to comply with policies 38, 39 and 40 of the CP.

10. However, paragraph 196 of National Planning Policy Framework (the Framework) and Policy 19 of the CP both state that if the public benefits of proposals outweigh any identified harm to heritage assets, then the proposal would be acceptable. In this regard, the proposal would result in significant public benefits in maintaining and improving vital communications infrastructure at an important location. The appellant has demonstrated, including the provision of network mapping, that it would replace lost network capacity from a nearby site which is being redeveloped at the Royal College of Surgeons. Paragraph 112 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing. The less than substantial harm that I have identified would therefore be outweighed by the public benefits, and the proposal complies with paragraph 196 of the Framework and Policy 19 of the CP.

Other Matters

11. I have not considered alternative equipment or locations because the proposal is acceptable on its own merits for the reasons set out above. The proposal would serve Telefonica and Vodafone networks as well as other networks by lease and it has therefore been demonstrated that the sharing of facilities and co-location has been adequately explored, as required by Policy 19 of the CP.
12. A Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines has been submitted, demonstrating compliance with paragraph 115 of the Framework. I am directed by paragraph 116 of the Framework not to set health safeguards different from the ICNIRP Public Exposure Guidelines and the proposal is acceptable in this regard.
13. The Council have raised the relationship of the proposal to the appearance of the appeal property in their statement of case. This was not part of the reason for refusal of the original application. In any event, the public benefits of the proposal would outweigh any harm caused to the character and appearance of the host building, for the reasons set out above.

Conditions

14. In addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty. I have amended the Council's suggested conditions in the light of government guidance on the use of conditions in planning permissions.
15. The materials condition is necessary to protect the character and appearance of the proposal and its effect on heritage assets. The construction hours conditions are necessary to protect the living conditions of nearby occupiers.

Conclusion

16. For the reasons above, I conclude that the appeal be allowed.

O S Woodward

INSPECTOR

ANNEX: SCHEDULE OF 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 plans: 100 Rev A; 101 Rev D; 102 Rev D; 200 Rev I; 300 Rev A; 301 Rev J; 302 Rev A; 303 Rev C; 304 Rev A; 305 Rev C; 306 Rev A; 307 Rev C.
- 3) Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and, not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and, not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed with the local planning authority.
- 4) All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings.