



Appeal Decision

Site Visit made on 29 July 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2021

Appeal Ref: APP/X5990/W/20/3263043

Princes Court, 88 Brompton Road, Knightsbridge, London, SW3 1ER

- 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 against the decision of City of Westminster Council.
 - The application Ref 20/04536/TELCOM, dated 11 July 2020, was refused by notice dated 3 September 2020.
 - The development proposed is Rooftop telecommunications (42.6m) installation upgrade and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Order under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. On 20 July 2021, the Government published its revised Framework. It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied.
4. The circumstances of this appeal are such that it has not been necessary to seek comments from the parties on the revised Framework.

Planning Policy

5. The principle of development is established by the Order, and the provisions therein do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

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

Reasons

7. The appeal site is located on the rooftop of Princes Court. It is a ten-storey building that comprises commercial units on the ground floor with residential properties on the upper floors. It is located on a busy section of Brompton Road that is dominated by the Harrods department store opposite the site. To the rear of the site, the area is notably more subdued, comprising low level residential properties around Trevor Square that are within the Knightsbridge Conservation Area.
8. The rooftop contains a number of existing telecommunications installations, of which several are visible from the street-level. The appeal proposal would result in the installation of six apertures onto what is described as a bespoke slimline Valmont monopole, the lower section of which would be screened by a polycarbonate mesh screen. It would be centrally located on the building closer to its rear elevation that overlooks Trevor Square.
9. The Framework outlines that use of buildings for the installation of telecommunications equipment should be encouraged. There is also a requirement that developments are visually attractive and sympathetic to local character and the surrounding built environment, including having regard to the desirability of sustaining and enhancing the significance of heritage assets.
10. Although the proposed development would be mounted on a building, something encouraged by the Framework, due to its siting at a high level, its overall bulk and appearance it would be highly prominent and create an incongruous feature on the building. It would be highly visible from above the trees of Trevor Square garden and from Trevor Street, where due to its siting and appearance would harm the setting of the conservation area that at this point is notable for the handsome terrace properties and the central communal garden.
11. I recognise that the appellant has sought to relieve the visual impact of the installation by incorporating a mesh screen. This, and a reduction in height of the installation have been made following the previous refusal by the Council¹. The proposed screen however largely contributes to add to the overall bulk of the installation and screens the less harmful element of the development, namely the supporting monopole, as opposed to the antennas and their headframe.
12. For the reasons outlined above, the installation would cause significant harm to the character and appearance of the area. It would be contrary to Policies S25 and S28 of the Westminster City Plan (2016) and Policies DES 1 and DES 6 of the Westminster Unitary Development Plan (2007). Collectively, these policies require that development is of good design that conserves heritage assets, maintains the character of historic squares and streets; and for roof alterations, including telecommunications installations, should not be visually intrusive or unsightly when seen in longer public or private views from ground or upper levels.
13. The proposed installation would also be contrary to Policy KBR33 of the Knightsbridge Neighbourhood Plan (2018) which requires that utility providers should ensure that any utilities infrastructure is designed and sited to minimise

¹ 19/02992/TELECOM

adverse impact on the visual amenity, character and appearance of the Knightsbridge Neighbourhood Area and its heritage assets.

Other Matters

14. The appellant has referred to the use of the installation as part of the Emergency Services Network (ESN). I have not been provided with any evidence to demonstrate the significance of the proposed installation in this context or that there is a specific need or demand for the proposal to meet a deficiency in the ESN. I therefore give this argument little weight.
15. The appellant comments that the site is not within a sensitive area. It is however adjacent to a conservation area where for the reasons I have identified, it would cause harm to the setting. The lack of harm to any other sensitive site does not sufficiently weigh in favour of the proposal to overcome the harm I have identified.
16. The appellant has submitted a copy of the document titled 'Councils and Connectivity - How local government can help to build mobile Britain' (2018). This document outlines the mobile industry's view on how local government can create an environment that is conducive to the building of mobile infrastructure. The document does not appear to have been through any public examination and I give it little weight in the appeal.

Planning Balance and Conclusion

17. I do not consider that the public benefits of the installation in terms of an enhanced telecommunications network, its contribution to economic growth, the operational and locational needs of the operators, or that it would constitute site sharing between operators and be installed on an existing building, outweigh the significant harm that I have identified would be caused to the character and appearance of the area.
18. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR