



Appeal Decision

Site Visit made on 10 August 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 12 October 2021

Appeal Ref: APP/V5570/W/21/3269535

Boundary House, 91-93 Charterhouse Street, Islington, London EC1M 6HR

- 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 and Telefónica UK Ltd against the decision of the Council of the London Borough of Islington.
- The application Ref P2020/2870/FUL, dated 2 October 2020, was refused by notice dated 15 January 2021.
- The development proposed is 3 no antenna within a replica GRP tank room at roof level, together with ancillary development thereto.

Decision

1. The appeal is allowed and planning permission is granted for 3 no antenna within a replica GRP tank room at roof level, together with ancillary development thereto, at Boundary House, 91-93 Charterhouse Street, Islington, London EC1M 6HR in accordance with the terms of the application, Ref P2020/2870/FUL, dated 2 October 2020 and the following drawings and particulars submitted with it: 100A - Site Location Maps; 101A - Site Location Plans; 200A - Site Plan prior to GRP Install; 201A - Approved Site Plan; 202A - Existing Site Plan; 300A - Southeast Elevation prior GRP Install; 301A - Approved South Elevation; 302A - Existing South East Elevation; 303A - North East Elevation Prior to GRP Install; 304A - Approved North East Elevation; 305A - Existing North East Elevation; 306A - North West Elevation Prior to GRP Install; 307A - Approved North West Elevation; 308A - Existing North Elevation; 309A - South West Elevation Prior to GRP Install; 310A - Approved South West Site Elevation; 311A - Existing South West Elevation; Supplementary Information Addendum CTIL_142288_TEF_041925_VF_79105 by Clarke Telecom; Cornerstone Community Information Sheet; Allaying health concerns regarding 5G and exposure to radio waves; Connectivity and coronavirus (COVID-19); Cornerstone - Local Authority Engagement Brochure - Sept 2020; Cornerstone General Background Information (Eng) V.2 FP; CPS Upwardly Mobile Final Sept 2020; CTiL Planning Plot; CTiL Radio Planning and Propagation V4; DCMS MHCLG Collaborating for Digital Connectivity Letter; Digital Public Benefit Brochure Sept 2020; Digital Public Benefit Brochure_FINAL; GSMA 5G EMF Briefing Web 05_20; Health Summary v15; LGA (England and Wales) Cllr Guide to Digital Connectivity_WEB_F; Ofcom Access and Inclusion Report 2018; Online Nation 2020 Report; Planning for a better Network v5, Supplementary Information v1; Vodafone 5G Report Final.

Preliminary Matters

2. I have omitted the words 'Retrospective application for the retention of' from the description of the appeal scheme above as this does not relate to an act of development. Nevertheless, I acknowledge that the development sought has

already been erected on site since March 2020. The Council determined the application on a retrospective basis, and so have I.

3. Since determination of the application, the new London Plan was adopted on 2 March 2021 and the revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with the opportunity to comment on the relevance to their respective cases of these revisions to local and national policy.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, with particular reference to the effect on the character and appearance of the Charterhouse Square Conservation Area (the CA), the settings of nearby listed buildings and protected local views.

Reasons

5. The appeal relates to telecommunications development located on the roof of a six-storey mid-terrace building on Charterhouse Street, close to its junction with St John Street and a short distance to the north of Smithfield Market. The structure takes the form of a cubic box in grey glass reinforced plastic (GRP) atop an existing, redundant tank room. It houses a suite of antennas and associated equipment forming part of the mobile telecommunications network.
6. Planning permission was granted at appeal in 2017¹ for a similar form of development, albeit comprising a structure lower in height than that now proposed. The appellant indicates that a taller structure was subsequently installed in order to facilitate 5G technology at the site. This permission represents a fallback position for the appellant.
7. The structure as built is 1 metre taller than the approved scheme. This represent the sole difference, with the structure otherwise standing in the same position, with the same footprint and the same external materials. The Council has assessed the increased height of the structure as being some 1.82 metres; however, the submitted plans clearly show the difference in the height of the GRP shroud is 1 metre, and given the lower structure has been found to be acceptable at appeal, it is reasonable to take this as the starting point for consideration of the taller structure.
8. The Conservation Area Design Guidelines (January 2002) (the CADG) state that most buildings in the CA are between three and five storeys high, that normally no new building or extension will be permitted above five storeys and that all plant rooms and lift overruns should be located so as to be invisible from the street including long views from adjacent streets. However, whilst I acknowledge the CADG, I note that the Inspector in allowing the 2017 appeal found that there was already visibility of plant at roof level from the street. That is still the case.
9. Viewed from the street, the shroud resembles a lift overrun or large flue atop the building. It is undeniably functional in its form, and could not be said to integrate particularly well with the host building, which has a flat mansard roof form that the structure stands clear above. The structure as built has a slightly greater vertical emphasis than the approved scheme due to the added height,

¹ Appeal Ref: APP/V5570/W/17/3168973

but as set out in the photomontages provided by the appellant, and which I observed for myself on site, the difference in overall visual impact of the structure, when compared to what has been approved, is limited.

10. The taller structure is visible from a number of vantage points along St John Street, and can be glimpsed from the south over the roof of Smithfield Market. The most prominent view is from directly opposite the site where the full size of the structure can be seen above the lower buildings at Nos 8-14. However, this is a close range view into the rear of the built form from a single point on St John Street and is not a view which contributes to the significance of the CA. Consequently, the increased height of the structure in this view is not harmful to the overall significance of the CA, which derives from the historic, architectural and artistic interest of the varied built form and spaces within it which are associated with the development and use of the area from the medieval period onwards, including much post-war redevelopment.
11. The structure is seen protruding above several nearby listed buildings on St John Street in views from the junction with St John Lane, where it draws the eye somewhat from their detailed rooflines and facades. However, this is not materially different from the approved scheme, and I find that the appeal scheme has no greater effect on the settings of these listed buildings.
12. In longer views, the difference in height of the structure is less discernible, and though still visible, it is less prominent given the broader or longer vistas being taken in by the viewer. At several points along St John Street, the structure is concealed from view by the curve of the road and the intervening presence of buildings and trees. From the south, the box shape of the structure is visible above the roofline of Smithfield Market, but given its simple, functional form, it appears as an innocuous element in the background and does not detract harmfully from the frontage of the market building.
13. The vista down St John Street also takes in the dome of St Pauls Cathedral at its terminus, and is categorised as a protected local view under Policy DM2.4. However, I saw that for the most part the appeal structure appears as an unobtrusive element within the massing of the general built form that frames the vista on either side of the street. At worst, it is visible in the same view as the cathedral dome, but the effect is no worse than that which has already been permitted.
14. Taking these considerations together, I conclude that the appeal scheme preserves the character and appearance of the Charterhouse Square CA, the settings of the listed buildings on St John Street and the protected local view of St Paul's Cathedral. Consequently, there is no harm to the character and appearance of the area and I find no conflict with Policies CS8 and CS9 of Islington's Core Strategy (2011) or Policies DM2.1, DM2.3, DM2.4 and DM2.7 of Islington's Development Management Policies document (2013), which together require development, including telecommunications, to achieve high quality design that reflects the character of the area, enhances and protects the built environment, protects strategic views, and conserves and enhances the historic environment, including designated heritage assets. There would also be no conflict with the similar aims of Policies D3, D4 and HC1 of the London Plan (March 2021).

15. As I have found no harm to the designated heritage assets, it is not necessary to undertake the heritage balancing exercises set out at Paragraphs 201 and 202 of the Framework.

Other Material Considerations

16. The appellant points to strong support within the new London Plan and the Framework for digital infrastructure, at Policy SI6 and Paragraph 114 respectively. It is clear from these policies that the rollout of new digital infrastructure is a key part of delivering economic growth within London and nationally. The appellant's evidence further sets out the need for additional coverage around the site to deliver 5G technology to a part of the city which is home to significant numbers of offices and other businesses creating high demand for mobile network connectivity. It is also clear that operational constraints relating to 5G antennas have precipitated the increased height of the structure and, were permission to be refused, it would remove the provision of 5G technology from the site and would undermine these objectives of the London Plan and Framework. The upgrading of the mobile telecommunications network through the appeal scheme therefore delivers significant public benefits which weigh strongly in its favour.
17. No harm was identified by the Council in respect of the effect on neighbours' living conditions or on public health. Having regard to the evidence before me, I have no compelling reasons to reach different conclusions in these matters.

Conditions

18. I have had regard to the conditions suggested by the Council. As the appeal is made retrospectively, there is no need for a time limit condition. The other suggested conditions relate to construction in accordance with the submitted plans and in accordance with materials specified in the appellant's Design and Access Statement. However, works are indicated to have already been completed, and I have no evidence to suggest that the works undertaken have not used the specified materials. In any event, I have found the structure as built is not harmful. Therefore, these conditions are not necessary.

Conclusion

19. For the reasons set out, I conclude that the appeal scheme accords with the development plan, taken as a whole, and material considerations in this case do not indicate that permission should nevertheless be withheld. Therefore, the appeal should be allowed.

K. Savage

INSPECTOR