



Appeal Decision

Site Visit made on 12 October 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/C5690/W/21/3274053

St James's, New Cross Gate, London, Grid Ref Easting: 536309; Grid Ref Northing: 176942

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Hutchinson UK Ltd against the decision of London Borough of Lewisham.
 - The application Ref DC/21/120156, dated 12 August 2020, was refused by notice dated 22 March 2021.
 - The development proposed is telecommunications installation: proposed 20m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), 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. Policies of the development plan and the National Planning Policy Framework (the Framework) may be considered relevant, but only in so far as they relate to these matters. My determination of the appeal shall proceed on the same basis.
3. Since the appeal was submitted the Government has published a new Framework (2021). Comments were sought from the Council and the Appellant. As the main parties have had the opportunity to provide comments no injustice has been caused. I have considered the appeal on the basis of the revised Framework.

Main Issue

4. The main issue is the effect of the siting and appearance of the development on the character and appearance of the area, including the setting of the Grade II listed Deptford Town Hall, and on the Deptford Town Hall Conservation Area.

Reasons

5. The appeal site forms part of the pavement close to the junction between St James's and the busy thoroughfare of New Cross Road. A single storey annex building, part of the Goldsmith's University campus, is located to the immediate east. Beyond this and located further to the east are Nos 286 and

288 New Cross Road (Nos 286 and 288) and the Grade II listed Deptford Town Hall (Town Hall). The appeal site is located, according to the appellant, within the Deptford Town Hall Conservation Area (CA).

6. The Town Hall has an elaborate stone façade with a high pediment and striking clocktower above. There is a fine array of decorative features upon the building's fabric that includes naval and marine sculptures, stone columns and a large arched central doorway. Consequently, the significance/special interest of the listed building includes the evidential, aesthetic and historic value of a high-status example of a public building that has remained largely unaltered over time.
7. The Town Hall is detached from the other buildings along this part of the New Cross Road frontage while significantly rising above them. Similarly, it is taller than the properties on the opposite side of the road. This hierarchical relationship with neighbouring structures is more pronounced in the context of the appeal site, given the stepped reduction in the height from two storey to single storey buildings between No 288 and the annex building. In views from the west and east along New Cross Road, the more recessed adjacent buildings, in the vicinity of the appeal site, assist in reinforcing the Town Hall's striking appearance and importance in the locality as a public building and focal point. Also, in the foreground and background of those views are the attractive street trees along St James's, which enhance the Town Hall's municipal importance and character. The Town Hall's setting therefore contributes positively to its significance.
8. The CA encompasses a section of New Cross Road comprising historic three-four storey terraces with ground floor commercial uses that are arranged either side and opposite Deptford Town Hall. The CA's significance is derived, in part, from its historic role as a commercial and civic centre, in addition to the hierarchy of buildings and spaces that radiate from the imposing and ornate Town Hall. In this context, the appeal site together with adjacent street trees, landscaped grounds of the annex building and adjoining undeveloped spaces make an important contribution to the CA's significance.
9. With a height of around 15m the proposed monopole rises significantly above the adjacent annex building, Nos 286 and 288, as well as the shorter and slimmer streetlights. The prominence of the monopole would be accentuated by its thickness while the top half of the installation would be conspicuous by the exposed antennae giving it a top-heavy appearance above the adjacent tree canopies to the east. Although it is marginally set back from New Cross Road, the gap in the frontage created by St James's would open up views of the monopole from the west. In this context it would have a discordant and unsettling presence upon the hierarchical arrangement of buildings around the Town Hall, while appearing jarring rising above the adjacent tree canopies within the grounds of the annex building. Moreover, the monopole's verticality and proximity to the Town Hall, would start to compete with the ornate pediment and clock tower as the area's focal point. This would unacceptably erode the sense of importance and aesthetic value the Town Hall maintains in the CA.
10. The street trees on the opposite side of St James's close to Loring Hall, are according to the appellant around 20m in height. These would provide a natural backdrop that would reduce, to some extent, the prominence of the monopole

when approaching from the east along New Cross Road. Moreover, I observed that from longer range views from both the west and the east around the underground station and Lewisham Way respectively, the monopole's prominence would diminish and be broken up to a degree by the curvature of New Cross Road. However, those factors would not overcome the harm that would be incurred from short to medium range views along New Cross Road, particularly those where the proposal would be seen in the same field of vision as the Town Hall, and the more recessed buildings along the frontage. The understanding and appreciation of the heritage asset, from those more adjacent vantage points, would be significantly impaired.

11. I note the appellant's suggestion that the monopole could be colour coated to blend in with its surroundings. However, given the verticality and prominence of the proposal, this would not totally mask its scale and appearance and the consequential effects on the Town Hall and CA.
12. For these reasons, I find that the proposed monopole's siting and appearance would unacceptably harm the setting of the Grade II listed Deptford Town Hall, the desirability and preservation of which the Act requires that special regard to be given. The proposed development would also fail to preserve the character of the CA, to the desirability of which the Act requires that special attention is paid.
13. Insofar as they are material considerations, I have also had regard to Policy HC1 of the London Plan (2021), Policies 15 and 16 of the Core Strategy (2011) and DM Policies 30, 35, 36 and 39 of the Development Management Local Plan (2014). These, amongst other things, require proposals to conserve heritage assets and their settings, while avoiding harm and responding positively to the local context taking account of surrounding typologies, scales and views.

Other Considerations

14. The current restricted 5G coverage and capacity in the area is at odds with the Framework's emphasis on extending and future-proofing digital connectivity in order to ensure that communities can benefit from economic growth and greater social inclusion. Moreover, the Covid-19 pandemic has highlighted the reliance of mobile connectivity and the need to make improvements where necessary and in light of growing demand. Additionally, the proposal would support economic and social objectives, and deliver benefits which may include improved support for home working, enabling smart devices and services as well as supporting future advances. The social and economic importance of 5G technology is also outlined in the Government's Future Telecoms Infrastructure Review (2018). Therefore, from the evidence before me the appeal proposal would extend the reach of 5G coverage in the area and facilitate improvements in social and economic well-being. Such factors weigh strongly in favour of the proposal.
15. The appellant has provided information to support the height of the proposed monopole in order to avoid interference from buildings and landscaping, and also in order to clear International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines. I therefore have no reason to dispute the specification and the height of the proposed monopole. These considerations also weigh in the proposal's favour.

16. The appellant's alternative site assessment indicates that there are constraints associated with other possible mast locations within the search area. The Framework advises (Paragraph 117) that for new telecommunication base stations such as the proposal, applicants should provide evidence of the possibility of erecting antennas on an existing building, mast or other structures.
17. In this instance I have not been provided with any clear details of the extent of buildings or other structures that could support the proposal. Whilst there may be none available in the search area or that options are unviable, there is little information before me on those alternative sites, and I am not able to form my own view on the matter. Therefore, I consider that limited information for discounting of other sites has been provided with little evidence submitted to support assertions that other options are unavailable or unsuitable.

Other Matters

18. I acknowledge that there are no objections from other technical or statutory consultees, nor have any concerns been raised by the Council in respect of living conditions. However, a lack of harm would be a neutral factor in my assessment of the proposal and one to which I attach limited weight.

Planning Balance and Conclusion

19. The harm that would occur to the setting of the listed building and the character and appearance of the conservation area would be moderate and therefore it would be 'less than substantial' within the meaning of the Framework. This is a matter of considerable importance and weight. Paragraph 202 of the Framework nevertheless requires such harm to be weighed against the public benefits of the proposal.
20. I have found that the proposal's public benefits including the economic and social benefits of upgrading electronic communication infrastructure to be significant, in addition to the support given by the Framework for such developments.
21. Taking these factors into account the proposal's significant benefits do not outweigh the extent of harm I have identified. I have also found that the unacceptable impacts would give rise to clear conflicts with the development plan, for reasons given earlier, as well as the Framework and the Act.
22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR