



Appeal Decision

Site Visit made on 19 October 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/V5570/W/21/3273881

1 Waterloo Gardens, Milner Square, Islington, London N1 1TY

- 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 MBNL (EE (UK) Ltd and H3G (UK) Ltd) against the decision of London Borough of Islington.
 - The application Ref P2020/2264/FUL, dated 25 August 2020, was refused by notice dated 5 November 2020.
 - The development proposed is described as “the installation of 6no. antenna apertures, 4no. 600mm dishes and 8no. equipment cabinets at rooftop level along with development ancillary thereto”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the submission of the appellant’s appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Barnsbury Conservation Area and nearby listed buildings.

Reasons

4. The appeal building is an apartment block situated within Barnsbury Conservation Area (BCA) with the buildings of Barnsbury Street and Milner Square to the east and south respectively, being grade II listed.
 5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Also, in accordance with the duty imposed by Section 72(1) of the Act I am required to pay special attention to the desirability of preserving or enhancing the character of the conservation area. Moreover, paragraph 199 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.
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6. The BCA, within the immediate setting of the appeal site, is characterised by large buildings with predominantly traditional architectural detailing and materials. The buildings are mainly of late Georgian and early Victorian type, consisting of residential properties with commercial at ground floor level. The roofscape of the area is an admiring sight particularly when viewed from upper floors of the buildings, as the built development of traditional roof forms interspersed with trees contributes significantly to the character of the BCA.
7. The grade II listed buildings on Barnsbury Street were built around the 1830s, being four storeys over basement with yellow brick set in Flemish bond and roof obscured by parapet and cast iron railings at ground floor. The listing for the grade II listed buildings on Milner Square suggests that the buildings were constructed in 1841 by Roumieu and Gough, being altered later in the 1930s with remodelling and restoration undertaken on the square in 1978. These properties at Milner Square are built of grey and beige brick set in Flemish bond with stucco dressings. These listed buildings both individually and collectively have historical and architectural significance within the area.
8. Although the appeal property is not listed, it is a prominent building and its architectural design, scale and style positively contributes to the character and appearance of the BCA and the surrounding listed buildings.
9. The proposals would introduce new antennas, dishes, equipment cabinets and associated works that would be of a greater number and taller than the existing telecommunications equipment that is currently positioned on the appeal building. Due to the size and amount of structures proposed, the proposals would appear as intrusive features. The proposals are set back from the edges of the roof with the use of coloured shrouding, to match the roof, screening some of the proposed works. This would hamper some views of the proposals, particularly from public street level however, the proposals would remain prominent when viewed from upper floor windows and balconies and appear as incongruous features due to their design, positioning and size.
10. The proposals would be prominent and unsympathetic features that would detract from the appearance of the appeal building and be harmful to the character of the BCA and setting of nearby listed buildings.
11. Accordingly, I find that the proposals would not preserve or enhance the character and appearance of the BCA and nearby listed buildings. The proposal would be contrary to Policies DM2.1 and DM2.3 of the Islington's Local Plan: Development Management Policies 2013, Islington's Urban Design Guide 2017 and Policies D1, D4 and HC1 of the London Plan 2021 which seeks all forms of development to be of high quality and conserve and enhance the historic environment.

Other Matters

12. The appellant has indicated that the proposal would not compromise the living conditions of occupiers of neighbouring properties in terms of light and noise, and that there would be no adverse effects in terms of health and safety as well as not impeding access to the roof.

Planning Balance

13. The proposals would bring public benefits including up to 4G and 5G provisions that would provide high quality communications infrastructures which

contributes towards sustainable economic growth and enhancing the provision of local community facilities and services. The mobile connectivity that the proposal would bring would benefit sectors across the whole economy including financial services, health and social care, retail, production, manufacturing, transport services and robotics, as well as individual consumers.

14. A sequential approach on site selection has been submitted with around 16 sites identified and all discounted for various reasons including location and relationship with heritage assets. The majority of these alternative sites are located south of the appeal site with a distinct lack of potential sites to the north.
15. I have had regard to the appellants statement of case including reference to the existing telecommunications apparatus, coverage plots, the Hilton Hotel Islington site, Covid-19 pandemic, Code of Best Practice on Mobile Network Development in England 2016, the appellants license to operate GSM (Global Systems for Mobile Communications), UMTS (Universal Mobile Telecommunications System) and LTE (Long Term Evolution) in the United Kingdom, 5G and Future Technology – Delivering the UK’s Telecoms Future document, Ofcom’s Communication Market Report 2018, Ofcom Connected Nations 2020 UK Report, Connected Future Report 2016, Digital Connectivity in London Report 2017; Fixing the Foundations: Creating a more prosperous nation report, Raising London’s High-Speed Connectivity to World Class Levels report and statements made by Prime Minister David Cameron and Digital Infrastructure Minister, Matt Warman. These, however, do not alter my findings above with regards to the harm to the character and appearance of the BCA and nearby listed buildings.
16. My attention has also been drawn to a number of other appeal decisions¹. Insufficient information has been submitted with regards to these other schemes and I cannot be sure that they represent a direct parallel with the appeal scheme, particularly with regards to location, effects on heritage assets and alternative site selections. In any case, I have determined this appeal on its own merits.
17. The proposal would result in public benefits to the area. However, from the evidence before me, I am not convinced that alternative options including sites north of the appeal site have been fully explored. The benefits and matters described above therefore do not outweigh the substantial harm that I attribute to the affects that the proposal would have on the character and appearance of the BCA and nearby listed buildings.

Conclusion

18. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
19. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR

¹ Including Planning Inspectorate Reference Numbers: APP/R5510/W/16/3143922; APP/X5210/W/17/3174680; APP/X5210/W/17/3177809; APP/M5450/W/17/3180345; APP/V5570/W/20/3246770; APP/V5570/W/20/3251047.