



Appeal Decisions

Site Visit made on 29 June 2021

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2022

Appeal A: APP/H5960/W/20/3244928

Telecommunications Site 98526 Binley House, Highcliffe Drive, London SW15 4PY

- 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 for and on behalf of EE Limited and H3G UK Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref: 2019/3276, dated 22 July 2019, was refused by notice dated 12 November 2019.
 - The development proposed is described as: The installation of 3No. antennas and 1No. GPS node located on new support poles on the rooftop, the installation of 1No. equipment cabinet, measuring 600 x 480 x 1000mm, located on top of an existing cabinet, and ancillary development thereto.
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Appeal B: APP/H5960/Y/20/3244931

Telecommunication Site 98526 Binley House, Highcliffe Drive, London SW15 4PY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by MBNL for and on behalf of EE Limited and H3G UK Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref: 2019/3433, dated 22 July 2019, was refused by notice dated 12 November 2019.
 - The works proposed are described as: The installation of 3No. antennas and 1No. GPS node located on new support poles on the rooftop, the installation of 1No. equipment cabinet, measuring 600 x 480 x 1000mm, located on top of an existing cabinet, and ancillary development thereto.
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Decisions

Appeal A

1. The appeal is dismissed

Appeal B

2. The appeal is dismissed

Preliminary Matters

3. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. On 10 June 2020, after the applications were decided and the appeals were lodged, the landscaping to the Alton West Estate was added to the Register of

Parks and Gardens of Special Historic Interest in England and is registered Grade II [List entry: 1466474]. In addition, on 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The parties were given the opportunity to comment on any implications that the addition of the surrounding open space to the Register of Parks and Gardens and the revision to the Framework may have on their respective cases. Comments were received from both parties on these matters. I have taken those comments into account, and I have determined the appeals with reference to the revised Framework.

Main Issues

5. The main issues in these appeals are whether the proposal would preserve a Grade II* listed building, Binley House [List Entry: 1246040], and any of the features of special architectural or historic interest that it possesses, and the extent to which it would preserve or enhance the character or appearance of the Alton Conservation Area.

Reasons

6. Binley House was listed in 1998 and was built between 1955 and 1958 to a design by London County Council's Architect's Department. The building is constructed around a reinforced concrete frame that contains 75 maisonettes in five tiers of 15. The building is in the form of a flat roofed slab block and has a 16 bay frontage with the additional slightly wider bay containing the lift shaft and stairwell. The lift shaft and stairwell are offset from the centreline of the façade with 6 bays to one side and 9 to the other. The list entry notes that the top of the lift shaft and the building services are expressed on the roof as geometric shapes. Binley House is part of a group of five similar blocks all of which are individually listed at Grade II*. The building forms part of the larger Alton West Estate, which was one of the first major schemes carried out in-house by London County Council Architect's Department as part of London County Council's re-building programme and expansion of its housing stock following the Second World War. The building shows clear influence from the Unité d'Habitation designed by Le Corbusier in terms of its design and materials.
7. Given the above, I find that the special interest of the listed building, in so far as it relates to these appeals, to be primarily associated with its architectural interest in terms of its design concept and the expression of the individual maisonette units and other building elements within the overall composition of the slab block, innovative use of materials in large scale public housing, and the adoption of modernist design in public housing. It has some historic interest in illustrating the changing approach to public housing in the second half of the twentieth century. The building also has an aesthetic value, both in its own right, and as a component of the larger planned design and layout of the Alton West Estate.
8. The Alton Conservation Area covers an extensive area encompassing both the Alton East and Alton West developments. Originally forming three country estates established in the mid-eighteenth century, these were acquired by London County Council following the Second World War as part of its programme to both increase its housing stock and to replace housing lost to bombing raids during the war. The original country houses remain, and the new housing development was progressed around these in a modernist style,

influenced by Scandinavian and European architecture, as a mixed development of taller slab and tower blocks together with lower family housing and elderly persons bungalows. The designed landscapes of the eighteenth century houses were retained and partially remodelled as part of the development and are an important element of the character and appearance of the conservation area. The landscape elements of the Alton West Estate and Alton East Estate were individually Registered as a Grade II Park and Garden [List Entry: 1466474 and List Entry: 1468240] in June 2020. The conservation area contains a large number of listed buildings including two of the retained eighteenth century country houses; the five slab blocks including Binley House; a large number of elderly persons bungalows; and ten tower blocks forming part of the Alton East estate. In terms of land uses, the conservation area is largely residential, with some schools/educational uses present. There is a small district centre located off Danebury Avenue. Due to the large amount of open space, the conservation area has a green and open feel despite the relatively high number of dwellings within it. This is particularly apparent in the western part of the conservation area where the large slab blocks, including Binley House, form the backdrop to a large expanse of open space to the north of Danebury Avenue.

9. Given the above, I find that the significance of the conservation area, in so far as it relates to these appeals, to be primarily associated with the evidence it provides of changes in the approach to, and continental influences on, public housing design and layout in the second half of the twentieth century, and the relationship of the buildings with each other and with the surrounding landscape.
10. The appellant currently has antennas and other equipment located on the roof of Binley House. There is also telecommunications apparatus belonging to a different operator mounted on a large triangular headframe located on top of the roof of the lift shaft machine room. The proposal comprises the installation of three additional antennas and a GPS node to be attached to the rooftop lift machine room on new support poles. The new antennas would be located adjacent to each of the three existing antennas belonging to the appellant which are currently positioned on the façades of the lift shaft top. It is also proposed to upgrade associated equipment cabinets located on the south western roof area.
11. Paragraph 194 of the Framework requires applicants to describe the significance of any heritage assets that may be affected by a proposal. It goes on to advise that this should be proportionate to the assets importance and sufficient to understand the potential impact of a proposal on its significance when assessed using appropriate expertise. Paragraph 200 of the Framework also identifies Grade II* listed buildings as being heritage assets of the highest significance. In this particular instance, only a cursory assessment was undertaken, and the evidence submitted by both parties does little to identify the special architectural or historic interest of the building and the significance of the conservation area, or to identify and assess the effects of the proposal on these.
12. The top of the lift shaft and the roof top plant room were clearly designed to be part of the overall architectural composition of the building and are identified as a notable feature in the list entry. These are present in the same form on the other four neighbouring slab blocks and form prominent skyline features in a

number of views from the surrounding area. The existing headframe is not a positive feature on the building and although I recognise that, from the submitted evidence, this was approved and installed prior to the building being listed and that that it supports equipment that is not connected to the present appellant, it is nonetheless present, and the effects of the current proposal must be considered in context with it.

13. The proposed new antennas would be mounted on offset brackets that would result in them projecting beyond the face of the lift shaft walls. This is in contrast the appellant's current equipment which I saw was located close to the walls of the structure. Whilst I appreciate that there may be technical reasons for this to prevent interference between the antennas, nevertheless, the result would appear as further accretions on a feature of the building that is identified as important. The additional antennas and their projecting mounting brackets would further obscure the simple, geometric, lines of the roof top features of the building and would further diminish the ability to understand the function of this feature of the building. This would be harmful to the special architectural interest of the listed building.
14. Despite the harm that would be caused to the listed building, I do not find that the proposal would be detrimental to the character or appearance of the conservation area. Unlike listed buildings, the significance of a conservation area is dependent upon how it is experienced. The appeal proposals are relatively small in scale compared to the overall size and extent of the conservation area. Although the Council has identified that the proposed equipment would be visible, it has not identified any specific elements of the conservation area that would be harmed by the proposal.
15. I observed when I visited the site that the new equipment would be visible in some views from within the and outwith the conservation area. However, due to its nature I do not find that the proposal would adversely affect the significant features of the conservation area that I have identified. Consequently, I find that the effect of the proposal on the character and appearance of the conservation area would be a neutral one. For similar reasons, it would also have a neutral effect on the Registered Park and Garden.
16. Given the above, I find that although it would have a neutral effect on the conservation area and Registered Park and Garden, the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
17. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation and that the more important the asset, the greater that weight should be. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
18. Given that the proposal would only affect a relatively small part of the building and would not result in the loss of any major architectural features, and the harm would be restricted to roof top features, I find the harm to be less than substantial in this instance but, nevertheless, of considerable importance and weight.

19. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant states that the proposal would improve the existing coverage and capacity in the residential area in order to satisfy current and future customer demands. However, no technical evidence such as coverage diagrams, cell sizes, network capacity, or population within the cell covered by the base station has been provided to support this assertion. No other public benefits have been identified and it is not suggested that the proposal is necessary to secure the ongoing use of the listed building. Whilst the appeal proposals would increase capacity and coverage within the area served by the base station, in the absence of any substantive evidence in respect of the magnitude of any improvements, this would not overcome the very substantial weight that is to be attributed to the harm to the Grade II* listed building.
20. Given the above and in the absence of any substantiated public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II* listed building. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with Policies DMS1, DMS2 and DMS9 of the Wandsworth Development Management Policies Document 2016 which, when read together seek, among other things, to ensure that new development, including telecommunications development, is of a high standard of design that preserves or enhances the significance of heritage assets. As a result, the proposal would not be in accordance with the development plan.

Other Matters

21. I have noted the appellants point that a previous planning permission and listed building consent for a similar proposal to install three additional antennas were granted in 2015. However, these were not implemented and have now lapsed. As such these do not constitute a fallback position and weigh little in favour of the current proposal.
22. I have also had regard to the Council's comments that no alternative sites were considered as part of the process for seeking approval. However, the Framework does not require this to be done in the case of proposals to add equipment to an existing mast or base station.
23. Whilst I recognise that there have been telecommunications base stations established on the building for a number of years, this fact alone does not justify the addition of yet further equipment that would be harmful to the listed building.

Conclusion

24. I have found that the appeal proposals would cause less than substantial harm to the significance of a Grade II* listed building and, as a result, it would not comply with the relevant requirements of the policies within the development plan that are most important for determining the application. The Framework sets out that planning decisions should support the expansion of electronic communications networks and that planning decisions should support a strong competitive economy.

25. However, there is no compelling evidence before me that would indicate that these factors are sufficient to justify the less than substantial harm to a designated heritage asset of the highest importance that would be caused, or the conflict with the development plan and other policies in the Framework which require the conservation of heritage assets. There are no other material considerations that would indicate that a decision should be made other than in accordance with the development plan.
26. For the above reasons, I conclude that both appeals should be dismissed.

John Dowsett

INSPECTOR