



Appeal Decision

Site Visit made on 7 June 2021

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2022

Appeal Ref: APP/V5570/W/20/3263044

Hume Court, Hawes Street, Islington, N1 2EQ

- 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 Mobile Broadband Network Limited against the decision of London Borough of Islington.
- The application Ref: P2020/1529/FUL, dated 9 June 2020, was refused by notice dated 6 August 2020.
- The development proposed is described as: Removal and replacement of 6no. antennas, installation of 4no. 600mm dishes, internal upgrade of existing equipment room and associated ancillary works thereto.

Decision

1. The appeal is allowed, and planning permission is granted for: Removal and replacement of 6no. antennas, installation of 4no. 600mm dishes, internal upgrade of existing equipment room and associated ancillary works thereto at Hume Court, Hawes Street, Islington, N1 2EQ in accordance with the terms of the application, Ref: P2020/1529/FUL, dated 9 June 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 101281_ISL026_90028_N0167_M003 Issue C – 002 Site Location
 - 101281_ISL026_90028_N0167_M003 Issue C – 100 Existing Site Plan
 - 101281_ISL026_90028_N0167_M003 Issue C – 150 Existing Elevation A
 - 101281_ISL026_90028_N0167_M003 Issue C – 215 Max Configuration Site Plan
 - 101281_ISL026_90028_N0167_M003 Issue C – 265 Max Configuration Elevation

Preliminary Matters

2. In March 2021 the new London Plan (the London Plan) was published which replaced the London Plan 2016. The provisions of Policies 7.4, 7.6, and 7.8 of the 2016 London Plan cited on the Decision Notice issued by the Council are largely replicated in Policies D3 and HC1 of the new London Plan.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The views of the parties were sought on any implications that the revisions to the Framework may have on their respective cases. The Council commented in respect of the changes to

the Framework in respect of design. The appellant confirmed that they had no further comments. I have taken these responses into account and have determined the appeal with reference to the revised Framework.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area and the settings of the Cross Street, Canonbury, and Upper Street (North) Conservation Areas.

Reasons

5. The appeal building is a generally four storey, flat roofed, block of purpose built flats, constructed in brick, and dating from around the mid-twentieth century. The east end of the building has a four bay section comprised of five floors. It is a long, linear structure, with a stepped façade, articulated by two projecting stair towers and recessed accessways to flats at the ground and second floor levels. Two brick built, flat roofed, plant rooms project above the roof level and a larger, grey metal, telecommunications equipment cabinet is located near to the eastern end of the roof. A number of antennas are mounted on poles attached to the projecting plant rooms and on a separate metal platform located roughly centrally on the building. I am advised that the latter platform and masts are equipment belonging to a separate telecommunications operator.
6. The surrounding area has a mixed character with the immediate vicinity of the appeal site being predominantly residential. To the south of the appeal site is a modern primary school with its associated playground. To the north side of Hawes Road and along Sebbon Street are blocks of mid-twentieth century flats of a slightly earlier date than the appeal building. Beyond the immediate vicinity of the appeal site, the buildings are generally older, although there are some modern insertions in the to the older built fabric. On Upper Street, parts of Cross Street and on Essex Road, commercial properties at ground level create a more mixed character.
7. In the area, buildings are generally two to four storeys in height and linear, terraced, forms are predominant, with the detached flat blocks near to the appeal site also adopting long frontages. The buildings are of a range of ages and architectural styles with varied roof styles and profiles.
8. It is common ground that the appeal building is not listed and is not located within a conservation area. Nonetheless, it is clear from the evidence before me that, due to its location and proximity to their respective boundaries, the appeal site is within an area that forms part of the setting of the Cross Street, Canonbury, and Upper Street (North) Conservation Areas. A short distance to the west of the appeal site a short terrace of properties at 30-34 Hawes Street (although the local list entry gives the address as 30-34 Florence Street) are noted as being locally listed. I have also noted that numbers 11-23 Halton Road, to the south east of the appeal site, are listed Grade II [List entry: 1195608].
9. Little substantive evidence has been provided in respect of the significance of the three conservation areas. Whilst I have been provided with copies of the Council's relevant Conservation Area Design Guidelines, these provide only a limited analysis of the history and characteristics of the conservation areas.

Neither party's evidence addresses the significance of the conservation areas beyond a brief analysis of the visual effects of the proposal.

10. From what I have read and from what I saw when I visited the site and the surrounding area, the significance of the conservation areas, in so far as it is relevant to this appeal, is derived from their evidential value illustrating the expansion of London during the seventeenth, eighteenth and nineteenth centuries, the changes in architectural tastes and styles over that time frame, and the building techniques and materials used. There is also an aesthetic value derived from the variation in architectural styles and the inter-relationship of the buildings with each other and the streets and spaces that they occupy.
11. The setting of a conservation area is not of itself a designated heritage asset and what must be considered is the contribution that the setting makes to the significance of the heritage asset. Neither party has submitted any substantive evidence in respect of the contribution that the setting of the conservation areas makes to their significance. Views into and out of the conservation areas are, nonetheless, a component of the setting
12. The three conservation areas effectively enclose the small enclave of twentieth century buildings with the Canonbury Conservation Area having a contiguous boundary at points with both the Upper Street (North) and the Cross Street Conservation Areas, the latter of which, in turn, has a contiguous boundary with the southern end of the Upper Street (North) Conservation Area. From the conservation area plans submitted, the boundaries have been drawn to exclude modern buildings where these adjoin, or are adjacent to, older buildings at the edge of the conservation area.
13. Whilst the Cross Street Conservation Area is relatively compact, the Canonbury Conservation Area and Upper Street (North) Conservation Area cover significant areas and the overall setting of the conservation areas is consequently very extensive.
14. The existing telecommunications installations on the building are concentrated towards central section of the building. The appeal proposal would see the addition of large supporting tripod structures to the front corners of the building and a smaller support frame attached to the roof of one of the plant rooms to support new antennas and associated radio equipment. Whilst the appellant's existing antennas would be removed from the plant room location, the mounting poles would be retained and repurposed to support microwave antennas. The appeal proposal would add a large antenna at each end of the building and a taller antenna on a projecting plant room. This would increase the visibility of the existing installation and add an element of rooftop clutter.
15. The area of mid-twentieth century housing enclosed by the conservation areas is not without its own character and is not unattractive. However, from the evidence before me and from what I saw when I visited the site, the contribution that it makes to the understanding or appreciation of the significance of the surrounding conservation areas is minimal, although the proposed development would impinge into views both into and out of the adjoining conservation areas.
16. In views out of the Upper Street North conservation area, the appeal site is seen in context with a block of modern flats on the corner of Florence Street

and Hawes Road and the modern building adjoining number 30 Hawes Street at the junction with Shillingford Street and the existing apparatus is visible. Although the locally listed buildings are visible in this view and have been included on the local list for their contribution to the street scene, I observed when I visited the site that these have a closer visual relationship to the street scene of Florence Street, which contains similar buildings, than to the street scene in Hawes Street.

17. From Shillingford Street the appeal proposal would again be seen largely in context with modern buildings and the view would be partially screened by trees, including some street trees that are not shown in the image included in the Council's evidence. I recognise that this screening effect will be diminished at times of the year when the trees are not in leaf, however, due to the degree of separation from the older buildings closer to the junction with Cross Street, the installation would have no noticeable effect on the visual qualities of the Cross Street Conservation Area.
18. In the view from the junction of Canonbury Villas and Halton Road, the appeal site is once more seen in context with modern buildings and also the other operator's equipment. One of the new antennas would be visible above the flat roof of Halton House but it would be seen in context with the tall chimney of that building and the rooftop equipment cabinet on Hume Court.
19. From the truncated section of Fowler Road that provides access to the primary school, the central section of the building is visible in the view across the playground. In these views, the present installation on the central section of the building is very prominent. Whilst the new antennas at each end of the building may be visible from this position, there is screening from trees that would reduce the visual effect and the number on antennas on the central part of the building would be reduced. As a result, the overall visual effect would be similar to that at present.
20. The new installation will be present in views into the Canonbury and Upper Street conservation areas from Hawes Street but in these views the installation will be at high level and peripheral to the view as the built form focusses the eye along the length of the road.
21. Taking these points together, the appeal proposal would alter views into and out of the adjoining conservation areas. However, the existing rooftop installation is already present in these views, the extent of the resulting change would be small scale, and there is nothing in the evidence that would indicate that the views that would be affected are important ones. I therefore find that the proposed development would have a neutral effect on the setting of the nearby conservation areas.
22. The appeal site is also part of the wider setting of the Grade II listed building at 11-23 Halton Road. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
23. Neither party has submitted any evidence in respect of the significance of the listed building. From what I saw when I visited the site, the significance of the

listed building, in so far as relevant to this appeal, is derived primarily from the design and architectural features of the front elevation of the terrace, its evidential value in respect of the materials and building techniques of the period, and the aesthetic value of front elevation of the terrace, both in its own right and together with the similar terrace opposite. Available views from the rear allow the roof form to be discerned, which is concealed in views from Halton Road by a parapet.

24. The setting to the rear of the terrace has been much altered by the presence of the school and its playground and there is no indication of what previously existed in this area. This part of the setting contributes little to the understanding of the listed building or its appreciation. The existing telecommunications installation is presently visible in this setting and whilst this would be altered by the proposed development, the extent of the alteration would not change the contribution that the setting makes to the significance of the listed building. The effect on the setting of the listed building would therefore be a neutral one.
25. The current rooftop installation is prominent in views down Sebbon Street to the north. I observed when I visited the site, that for much of its length it is the other operator's equipment, which is unaffected by the appeal proposal, that is visible as the view is truncated by the high buildings to each side. It is not until close to the junction with Hawes Street that the full façade of the appeal building becomes visible. Whilst I have noted the Council's point that the appeal building is higher than some of the other buildings around it, the height difference is not so marked that it is visible over a wide area. In kinetic views, moving around the area, the height difference is only apparent from a small number of viewpoints.
26. In close views, the proposed development would change the appearance of the building, particularly the ends of the front elevation where new equipment and supporting structures would be installed where previously there was none. The visual effects would be localised to the near vicinity of the appeal building and, due to the built form of the surrounding area where other buildings interrupt longer views, the visual effect would not be significantly different from the effect of the current installation.
27. The appeal site hosts an existing telecommunications base station and is utilised by two operators. I accept that Council consider that the existing installation has a negative effect on the character and appearance of the area, however, this installation is present and part of the current street scene. The proposal seeks to upgrade the site to provide 5G coverage and the Framework does not require alternative sites to be considered in the case of proposals to add equipment to an existing mast or base station. The proposed installation would be slightly more visually prominent due to the replacement antennas being larger and the positioning of antennas at the ends of the building on more robust supporting structures. I am, however, mindful that technical constraints exist that require separation of antennas to prevent interference with radio signals from the other operator's equipment. Within this context, I do not find that the proposal would result in a significant effect on the visual appearance and general character of the appeal building or its surroundings that would warrant refusing planning permission.

28. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area or to the settings of the Cross Street, Canonbury, and Upper Street (North) Conservation Areas. It would comply with the relevant requirements of Policies D3 and HC1 of the London Plan; Policies CS8 and CS9 of the Islington Core Strategy 2011; Policies DM2.1, DM2.3 and DM2.7 of the Islington Development Management Policies 2013; the Framework; and the guidance in the Islington Urban Design Guide Supplementary Planning Document. When read together, these expect, among other matters, for new development to be of a high standard of design that responds to its context, preserves the significance of heritage assets, and that telecommunications equipment is sited where possible and, subject to technical constraints, to ensure that it does not dominate the surrounding public realm.

Other Matters

29. I have had regard to the representations made by residents in respect of the proposal. Matters in respect of the visual appearance have been covered above. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine¹. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conditions

30. I have had regard to the conditions that have been suggested by the Council. In order to provide certainty in respect of what has been granted planning permission, I have attached conditions specifying the approved drawings.

Conclusion

31. For the above reasons, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

¹ National Planning Policy Framework 2021, Paragraph 118.