
Appeal Decision

Site visit made on 30 March 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 April 2022

Appeal Ref: APP/U5360/W/21/3279960

13-17 Bridport Place, Hackney, London N1 5DX

- 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 against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/1032, dated 12 March 2021, was refused by notice dated 14 June 2021.
 - The development proposed is described as the upgrade of telecommunication apparatus.
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Decision

1. The appeal is allowed and planning permission is granted for the upgrade of telecommunication apparatus at 13-17 Bridport Place, Hackney, London N1 5DX in accordance with the terms of the application, Ref 2021/1032, dated 12 March 2021, 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: 215 Max Configuration Site Plan (Issue A); 265 Max Configuration Elevation (Issue A); 266 Max Configuration Elevation (Issue A); 267 Max Configuration Elevation (Issue A).

Procedural Matters

2. The appeal form states that the appeal has been lodged against the Council's refusal of prior approval. The application in question was however for planning permission. I have therefore considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area including a non-designated heritage asset.

Reasons

4. The proposed development would occur on the roof and at ground floor level at 13-17 Bridport Place. This is a building of 2 parts, comprising a former public house which stands at the junction of Bridport Place with Rushton Street, and an attached modern building of larger size but broadly similar scale and style.
5. Telecommunications equipment, including a number of antennae mounted on several separate frames, is already installed on the roofs of both parts of the

building. The Council states that some of this equipment does not benefit from permission or is not as approved. However, I have not been provided with any clear indication of which items are of concern, and whether or not any action has or will be taken. As the Council otherwise appears to have taken this equipment into account in assessing the scheme, I shall do the same.

6. The building in question is described as a non-designated heritage asset. Insofar as it is relevant to this appeal, its significance resides in the likely C19th date of the older part of the building, evidence of its former use and design as a public house, and its existence as a vestige of the townscape which once occupied the site of the park. This is appreciable despite the telecommunications equipment already mounted on the roof. The modern section of the building holds no obvious significance.
7. The building has an open setting provided by Shoreditch Park. In this context both it and the existing telecommunications equipment have a moderate degree of visual prominence from within the park. Viewed from within its setting the building is perceived as a site whose use for the installation of telecommunications equipment appears well-established.
8. The proposed telecommunications equipment would consist of a range of different elements. Those elements mounted at ground floor level would be almost entirely screened from public view. As most elements mounted on the roof would be of modest height and positioned away from visually exposed edges, they too would be largely hidden from view. The main visual effect would therefore be in relation to 2 new freestanding frames to which apertures and modules would be attached.
9. One of these frames would be located on the modern southern end of the building close to a retained frame and antenna. Though it would be of greater height and size than the latter, in this location it would have limited prominence in surrounding views. It would also have little if any effect on appreciation of the significance of the older part of the building.
10. The second frame would replace an existing frame and antenna at the C19th north end of the building. Again, this would be of greater height and size, and given its exposed location, it would be more prominent within surrounding views.
11. The existing equipment does not directly complement the character of the building below. Set against this baseline, the increased height and size of the replacement equipment would, in itself, have little additional effect on appreciation of the significance of the building. Viewed in the context of other frames and antennae on the roof there might even be some minor visual advantage in the tallest structure being located in the most prominent corner of the building. Given that the relative overall effect would therefore be somewhat neutral in nature, the balance would be clearly in favour of the social and economic benefits delivered by improved connectivity.
12. The broader effect on the character and appearance of the surrounding area, including the park, would be negligible. This is given my findings above, and the relatively minor perceived change to which the development would give rise.

13. For the reasons set out above I conclude that the effect of the development on the character and appearance of the area including a non-designated heritage asset would be acceptable. The development would therefore comply with Policy LP4 of the Hackney Local Plan (the HLP), which seeks to secure the conservation or enhancement of non-designated heritage assets; Policy LP1 of the HLP, which, insofar as its criteria are relevant, requires compatibility of development with the existing townscape and local views; and Policy D8 of the London Plan 2021 (the LP), in the limited sense that this seeks a mutually supportive relationship between the public realm and buildings. Policy PP1 of the HLP and Policy D4 of the LP were also cited in the decision notice. However, whilst Policy D4 is concerned with procedure and delivery, Policy PP1 has an even narrower focus on the public realm than Policy D8. As such neither appears to be relevant.

Other Matters

14. Interested parties have raised a number of additional concerns which are not shared by the Council. Insofar as these relate to effects on the living and working conditions of occupants of the flats below, disturbance related to construction works would be both unavoidable and short lived. Insofar as they relate to health, the appellant has provided a certificate confirming that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection. The above being so I see no reason to reach a different view.

Conditions

15. I have applied standard conditions setting out the required time period for commencement and identifying the approved plans for sake of certainty. No other conditions have been proposed by the Council, and there is no necessity for further conditions to be imposed.

Conclusion

16. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR