



Appeal Decision

Site visit made on 12 July 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2022

Appeal Ref: APP/Z5060/W/21/3285079

Roofspace on Oculus House, 16-48 Cambridge Road, London IG11 8SW

- 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 Mr David Williamson Jones, McKay Brothers against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/01429/FULL, dated 12 July 2021, was refused by notice dated 20 September 2021.
 - The development proposed is described in the application form as: 'the installation of 4 x 0.9m pole mounted link dishes and equipment cabinet on existing steel grillage'.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of 4 x 0.9m pole mounted link dishes and equipment cabinet on existing steel grillage at Roofspace on Oculus House, London IG11 8SW in accordance with the terms of the application, Ref 21/01429/FULL, dated 12 July 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: BRK /01 A, BRK /02 A, BRK /03 A, BRK /04 A.

Preliminary Matters

2. The appeal site address has been described differently in the application form, appeal form, and other submissions. I have taken the site address for the banner heading above from the appeal form, which provides the clearest description and matches that used by the Council in its decision notice.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal building is a modern block of flats which has been described by the Council as a landmark building, located within Barking town centre. It appears to be the tallest building locally, providing residential accommodation over 19 floors. It is a prominent feature amongst older and lower blocks of offices/flats in this town centre location.

5. The flat roof of the appeal building is skirted by screening. The proposed equipment cabinet would be positioned behind the screening and would be lower in height than the screening. The proposed equipment cabinet would not therefore be visible other than from the roof of the appeal building and the air above. The proposed dishes would be affixed to mounting poles positioned inside the existing screening and would project above.
6. The appeal building exceeds 85 metres in height, and at this height, the projection of the proposed dishes above the existing screening would be seen in a range of views. In all views, on account of their small size and overall height, the 4 proposed dishes would be seen as minor telecommunication infrastructure additions to the appeal building, typical for its town centre location. Many of those views would include more significant roof mounted telecommunication installations on other nearby buildings.
7. The proposed dishes would interrupt the clean profile of the existing roof screening, but this would only be on two sides of the building, as the proposed dishes would be in pairs on the eastern and western elevations. The overall effect on the appearance of the appeal building would therefore be minimal and would not prevent its architectural qualities from being appreciated. In the context of its wider surroundings, where other roof mounted telecommunication equipment can be seen, the 2 small pairs of proposed dishes would not appear as prominent, visually discordant, or obtrusive features. The proposal would have a neutral effect on the character and appearance of the building and surrounding area.
8. The proposed development would not therefore harm the character and appearance of the area and would accord with Policy CP3 of the Council's Core Strategy (2010), Policies BP8, BC11, and BC12 of the Council's Borough Wide Development Policies (2011) (BWDP), and emerging Policies SP2, DMSI 10 of the Council's draft Local Plan (Regulation 19 Consultation Version, October 2020) (dLP). These require, amongst other things, development to have regard to and respect local character, which should not result in an unacceptable level of clutter.
9. As the proposal would have a neutral effect on the character and appearance of the area, it would not be supported by emerging policy DMD 1 of the Council's dLP. This seeks to encourage development which makes a positive contribution to the character of the surrounding area, amongst other things. As an unadopted draft Local Plan, I assign limited weight to its policies. The Council's decision notice also refers to Policies D1, D4, D8, and SI6 of the London Plan (2021), Policy BP2 of the BWDP, and emerging Policy SP4 of the dLP, but none of these are directly relevant to the proposed development.
10. Policies D1 and D4 are strategic policies which do not refer to development of the type and scale proposed in this instance. Policy D8 refers to development which has the opportunity to impact the public realm, which does not apply to the proposal. Policy SI6 relates to mobile digital infrastructure and emerging Policy SP4 relates to social and cultural infrastructure facilities, but the appellant has set out how the proposal would serve a fixed private communication network.
11. Policy BP2 relates to development which would affect conservation areas and listed buildings. Although the proposed development could be visible from such heritage assets, this has not been suggested by the Council. As I have found

the proposal would have a neutral effect on the character and appearance of the area, I consider it extremely unlikely it would materially affect any heritage assets which have not been brought to my attention.

Other Matters

12. The Council has referred to a condition attached to the planning permission for the appeal building which prohibits the installation of antennae and satellite dishes to the exterior of the building. The proposed development would not affect the intention and enforceability of this condition.
13. I have read objections to the planning application from neighbouring residents which suggest the proposal would affect other telecommunication signals, have the potential to cause noise disturbance and emit radiation which could be harmful to human health. I have seen no evidence to support these claims, which have not been supported by the Council. I also note the appellant has provided an 'ICNIRP Declaration', which certifies that the proposal would conform with the guidelines of the International Commission on Non-Ionizing Radiation for public exposure, which is endorsed by the National Planning Policy Framework.
14. Concerns were also raised as to who would be responsible for any damage which may be caused to neighbouring properties by the proposal and whether it would invalidate any building insurance policies or cause any fire safety concern. I have not been provided with any evidence to suggest there is a reasonable possibility the proposal could have any adverse effects in these regards, which would be separate matters for any relevant landowners to address outside of the planning process.

Conditions

15. It is necessary to attach conditions requiring the commencement of development within the relevant timeframe and specifying the approved plans in the interests of clarity. The Council has suggested a condition requiring the external materials of the proposal to be constructed in accordance with an unspecified plan, but none of the submitted plans state the materials to be used for the proposed dishes. Considering the height, size and positioning of the proposed dishes, it would be unreasonable and unnecessary to attach a condition requiring further details of their materials and finish, as this would be unlikely to have any impact on the character and appearance of the area.

Conclusion

16. The proposal would have a neutral impact on the character and appearance of the area and would conflict with emerging policy DMD 1 of the Council's dLP. However, it would accord with the development plan, taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be allowed.

L Douglas

INSPECTOR