
Appeal Decision

Site visit made on 5 July 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 August 2022

Appeal Ref: APP/X5990/W/21/3280284

The Soho Hotel, 4 Richmond Mews, London W1D 3DH

- 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 Ltd and H3G UK Ltd) against the decision of the City of Westminster Council.
 - The application Ref 20/07076/FULL, dated 6 November 2020, was refused by notice dated 4 February 2021.
 - The development proposed is the installation of 6 no. antenna apertures and 4 no. transmission dishes, the installation of 8 no. equipment cabinets on the roof of the building and development ancillary thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was refused, the City of Westminster City Plan 2019-2040 (2021 City Plan) has been adopted as has the Soho Neighbourhood Plan (2021) (Soho Plan). The Council has confirmed the policies from the City Plan and Soho Plan that it considers relevant to this appeal and the appellant has had the opportunity to comment.
3. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The Council and the appellant have had the opportunity to comment. I have based my decision on the revised Framework and I am satisfied that both main parties have had the opportunity to comment on it.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Soho Conservation Area (CA).

Reasons

Character and Appearance

5. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. The significance of the CA lies, in part, in its largely linear rows of dense uniform terrace buildings located off busy streets. It also includes more intimate irregular courts and alleyways cutting through the terrace sections at regular intervals. There is also 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.

6. Whilst Richmond Mews is largely enclosed by nearby streets the varying building heights and designs within the streetscene of the surrounding area mean the roof of the appeal building is visible from various points in the locality. Many of the buildings in the surrounding area are of traditional appearance. With the exception of some slimline aerials, the rooftops in the area are generally devoid of clutter that can be seen at street level which is a positive characteristic of the area. Having viewed the site from the roof of the appeal building I was able to see several nearby buildings utilised the roof for recreational space or rooftop gardens.
7. The appeal property is a more modern building. However, it uses a palette of materials comparable to those traditionally used in the area. The top floor of the building is set back and metal-clad with modern plant equipment screened at roof level. This relatively in-keeping appearance means the appeal building is not conspicuous in the streetscene and currently makes a neutral contribution to the significance of the CA.
8. The height of the host building and the setback of the upper floor means that the antenna and dishes on the southern edge of the building would be severely restricted from view at street level save for limited views from Richmond Mews. The antenna and dishes sited at the north of the building would, however, be significantly more visible from the surrounding area where building gaps and height differences allow for longer views towards the site. In this context, the proposed installation would introduce a degree of roof clutter which would be discordant in appearance and disruptive of the otherwise clean and orderly rooflines of the buildings in the area. It would therefore have a negative impact on the Conservation Area.
9. Furthermore, whilst some views of the proposal from the street would be limited given the height of the building, roof setback and the narrowness of nearby streets, the same would not be the case from surrounding buildings. Where antenna, dishes and associated equipment would be clearly visible in close and medium range views. The proposal would therefore appear at odds with the existing clutter free roofscapes of the surrounding area.
10. Great weight should be given to an asset's conservation. The proposal would lead to less than substantial harm to the significance of the CA. The Framework indicates that such harm is to be weighed against the public benefits of a proposal.
11. The Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The appellant explains the need to replace equipment that is to be lost nearby and also the improvement of 5G mobile coverage. The development would ensure coverage of the area, and this is a public benefit to which I attach moderate weight.
12. The appellant has considered potential alternative sites for the installations but has discounted all of these for various reasons including lack of coverage and impact on designated heritage assets. That being so, the evidence presented is cursory and does not demonstrate that alternatives have been properly or thoroughly investigated, or therefore that the level of harm caused by the proposal would be wholly unavoidable. I have found harm to a designated heritage asset that is not outweighed by the public benefits. The proposal,

therefore, falls short of providing a clear and convincing justification for such harm.

13. I, therefore, conclude that the development would fail to preserve or enhance the character or appearance of the Soho CA. As such, it would be contrary to Policies 19, 38, 39, and 40 of the 2021 City Plan and Policy 1 of the Soho Plan. These policies, amongst other things, seek to ensure that development should protect or enhance designated heritage assets.

Other Matters

14. The appellant has referred to several other allowed appeals. Whilst noting the Inspectors' conclusions in those appeals, in particular, the weight to be given to the benefits of the proposals, an assessment must be made on the site-specific considerations in each case. It has not been demonstrated that the proposals in any of these appeal decisions are directly comparable to the scheme before me in terms of the effect on the Soho CA. I have therefore given them little weight in my decision.

Conclusion

15. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
16. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR