



Appeal Decision

Site visit made on 19 October 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2022

Appeal Ref: APP/X5990/W/22/3297611

Barrie House, Lancaster Gate, Bayswater Road, London W2 3QJ

- 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 Telefonica (UK) Limited & CTIL against the decision of City of Westminster Council.
 - The application Ref 21/06047/TELCOM, dated 23 August 2021, was refused by notice dated 26 October 2021.
 - The development proposed is installation of 6No. pole mounted antennas within replica glass fibre reinforced plastic (GRP) bases, 3no. Equipment Cabinets located in existing internal equipment room with ancillary development thereto including 2no. Vodafone dishes and 15No. Vodafone ERS's.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Bayswater Conservation Area (the BCA).

Reasons

Conservation Area

3. Barrie House is a large 1930s apartment building occupying the southwest corner of Bayswater Road and Lancaster Gate, within the BCA. The BCA's significance is largely drawn from its phases of planned 19th Century Italianate architecture, interposed with more modern mansion block development. Lancaster Gate is a planned street intersected at its centre by a civic square and is a fine example of the former. Barrie House is an example of the latter.
4. Barrie House replaced a building which logic and historic mapping suggest bookended Lancaster Gate in a manner and style that intentionally mirrored the contemporaneous 19th Century building on the opposite side of the square. Given its elemental position within Lancaster Gate's plan and its scale, Barrie House reads as an obvious interloper. That being said, despite some alterations at the upper levels, the building also maintains a modicum of architectural interest and integrity in its own right, through the symmetry of its design.
5. Previous alterations to Barrie House's roof include communications equipment installed in an asymmetrical fashion. However, much of the apparatus is small and thin and has very limited observable presence from street level. Likewise, glazed boxes that have been added at the upper corner areas of the building visually extend upwards from tall oriel bay windows below. Barrie House therefore makes a neutral contribution to the significance of the BCA overall.

6. The new equipment would be shrouded so as to resemble chimneys. Whilst this can be an effective tactic in some situations, its *ad hoc* positioning here would conspicuously diminish the intended uniformity of Barrie House's upper profile leading it to have a cluttered and unbalanced presence against the skyline. It follows that the architectural integrity of Barrie House critical to excusing its prominent intrusion into Lancaster Gate would be lost. As a consequence, the significance of the BCA would be harmed. The harm would be less than substantial, and at the lower end of a notional sliding scale of such harm.
7. Nonetheless, Paragraph 199 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of designated heritage assets. Paragraph 202 requires decision makers to weigh any less than substantial harm against the public benefits of the scheme, including securing its optimum viable use. That balancing exercise must take place in the context of s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets a strong presumption against a grant of planning permission for development that would fail to preserve or enhance the character or appearance of a Conservation Area.
8. Telecommunications infrastructure is an inherent public benefit, and the scheme would be a significant public benefit in this particularly busy, urban location. The Framework informs us that advanced, high quality and reliable communications infrastructure is essential to economic growth and social well-being. Decisions should support the expansion of communications networks including next generation mobile technology such as 5G. The appellant has set out a plethora of environmental, health and educational benefits that flow from enhanced telecommunications provision through efficiencies that can be made to the systems that we increasingly rely upon on a day-to-day basis.
9. I also acknowledge the likelihood that necessary telecommunications apparatus will be sited within and/or near designated heritage assets, given their abundance in this area, and that placing equipment on Barrie House would represent the sharing of an existing site between providers, which is generally to be highly encouraged. However, I am also mindful that Barrie House is particularly prominent within Lancaster Gate and thus, despite the existing apparatus, may not be the most suitable site for further equipment in the BCA.
10. Reference is made to appeal decisions that allowed telecommunications equipment elsewhere. Whilst each case must be assessed on its own merits, I note with interest that in Vauxhall, Eton and Oxford Street, clear emphasis was placed on demonstrations of a lack of suitable alternative sites within those areas. No similar, substantive assessment of such is before me here, although I observed a number of similarly more modern apartment blocks in the wider vicinity which are less prominently sited than Barrie House and which are already carrying telecommunications equipment. At St James Market no harm was found to the relevant heritage assets. The scheme on Sardinia House was different in that it sought to replace infrastructure that was to be lost.
11. In these circumstances, I consider that the public benefits of the proposal fall short of outweighing the harm that would arise to the CA, to which I am obliged to assign considerable importance and weight. This leads me to conclude that the proposal would fail to preserve or enhance the character and appearance of the BCA in conflict with the heritage and design aims of Policies 19, 38, 39 and 40 of the City Plan 2019-2040 (adopted 2021) (City Plan) and the Framework.

Other Matters

12. Unsurprisingly given its position, Barrie House falls within the setting of several other designated heritage assets. Hyde Park and Kensington Gardens are discrete Grade I listed registered parks and gardens, and both fall under the auspices of the Royal Parks Conservation Area (the RPCA). Barrie House is well screened by trees from these spaces. Even if seen more clearly in the colder months, its intended symmetry would be difficult to discern. Accordingly, the scheme would not harm the significance that these heritage assets draw from their settings.
13. Barrie House is also within the setting of listed buildings, and I am mindful of my duty to consider the impact of the proposal on the special architectural and historic interest of these listed buildings. The War Memorial and the Tower and Spire of Christ Church are both Grade II listed. However, the significance of their settings is principally borne through their prime placements within Lancaster Gate's civic square. The works would not alter this spatial arrangement. To the west of Barrie House is the Grade II listed Whites Hotel (now called the Thistle Hotel). Barrie House already imposes upon its setting to an extent given its immediate proximity and larger scale. However, the works to its rooftop would have a negligible affect on this current situation in my view, and the significance of the Whites Hotel would not be materially harmed.

Planning Balance and Conclusion

14. The harm to the BCA draws the scheme into conflict with the development plan when read as a whole. The other considerations before me do not serve to outweigh this conflict.
15. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones
INSPECTOR