



Appeal Decision

Site visit made on 28 October 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/C5690/W/21/3287666

New Cross Fire Station, 266 Queens Road, London SE14 5JN

- 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 on behalf of EE and H3G against the decision of London Borough of Lewisham.
 - The application Ref LE/330/226/TP, dated 22 April 2021, was refused by notice dated 8 July 2021.
 - The development proposed is for the removal of 3 no. existing antennas to be replaced with 6 no. new antennas on replacement stub tower, internal upgrade of existing equipment room and associated ancillary works thereto.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the Grade II listed building, New Cross Fire Station, and the extent to which it would preserve or enhance the character or appearance of the Telegraph Hill Conservation Area (THCA), and, if any harm would occur, whether this is outweighed by any public benefits of the proposed development.

Reasons

3. The proposed development would be located on top of an existing drill tower that is situated within the rear yard of New Cross Fire Station, which is a grade II listed building. The fire station is located on the corner junction between Queens Road and Waller Road and is also within the Telegraph Hill Conservation Area (THCA).
4. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.
5. The fire station was listed in 2012, predating the installation of telecommunications equipment on the drill tower. It dates from the late nineteenth century and was built by the London County Council (LCC). It is listed for its architectural interest as a particularly imposing and grandly conceived fire station building with a romantic, chateau like exterior and, for its historic interest as an early LCC fire station and divisional headquarters which, despite various alterations, clearly reflects the operating requirements of the

London fire service in the late nineteenth and early twentieth centuries. It has a distinguished roofscape of significant architectural interest which incorporates distinctive conical corner tower features, chimneys and a highly appreciable, decorative observation tower.

6. Given the above, I find that the setting of the building, insofar as it relates to these appeals, to be primarily associated with its external appearance in the street-scene, and that this directly contributes to its special interest for the reasons given.
7. The THCA in which the appeal site is located is characterised by its hillside location as a predominantly residential area of terraces and pairs of houses. The fire station represents one of the key non-residential buildings in the THCA and is a landmark building in the THCA.
8. The proposed development would involve the replacement of the existing telecommunications installation that is sited on top of the drill tower. The existing equipment, which was installed prior to the listing of the fire station, is relatively prominent from wide ranging views and somewhat detracts from the enjoyment of the listed building, particularly its highly characteristic roofscape.
9. The National Planning Policy Framework (2021) (the Framework) outlines that the use of buildings for the installation of telecommunications equipment should be encouraged. There is also a requirement that developments are visually attractive and sympathetic to local character and the surrounding built environment, including having regard to the desirability of sustaining and enhancing the significance of heritage assets.
10. Although the proposed development would be mounted on a building, something encouraged by the Framework, due to its siting at a high level, its overall bulk and appearance, it would be highly prominent and significantly more perceptible than the existing installation. The exposed antenna and mounting would add increased visual clutter to the appearance of the listed building that would be out of character with its historic appearance and detract from its architectural quality. For these reasons it would cause harm to the significance of the roofscape and the setting of the listed fire station.
11. The installation would also be highly visible from within the THCA, particularly long-range views from Queens Road and Waller Road where the drill tower rises prominently above the existing terraced properties and houses, standing somewhat isolated. For these reasons, due to its overall appearance, size and siting, it would cause harm to, and thereby fail to preserve or enhance, the character and appearance of the THCA.
12. The proposed development would cause harm and therefore not preserve the setting of the listed New Cross Fire Station and would also fail to preserve the character and appearance of the THCA. It would therefore be contrary to Policies 15 and 16 of the Lewisham Core Strategy (2011) and DM Policies 30, 36 and 39 of the Lewisham Development Management Local Plan (2014). These policies require, amongst other things, that development conserves and enhances the borough's heritage assets and the significance of their settings; that special regard is had to the desirability of preserving the character and appearance of conservation areas and the setting of listed buildings; and that telecommunications equipment should not be detrimental to the character of conservation areas or listed buildings.

Other Matters

13. The appellant has referred to a previous appeal¹ where an Inspector having identified that the development would cause less than substantial harm to designated heritage assets, this harm would be outweighed by the public benefits of the development.
14. Although I do not have full details of the case, I agree that a balanced judgement is necessary in such cases. It is clear in the description of development, however, that aside from being a telecommunications installation, it was for a different form of development to that currently before me and I therefore give it limited weight. I have also determined the appeal on its own individual planning merits.
15. The appellant has submitted copies of documents that set out providers and the Government's approach to telecommunications and connectivity. Whilst the documents largely echo the guidance in the Framework, they do not have the same weight as the development plan to which the proposed development is contrary to. I therefore give them limited weight in the appeal.

Planning Balance and Conclusion

16. The Government's objective as set out in the Framework is to support high quality communications. The proposed development would increase coverage and capacity in providing 5G services, including to emergency services, and be installed on an existing building. Collectively, I give these matters moderate to significant weight in favour of the proposed development.
17. When considering the development in the planning balance, I give considerable importance and weight to the desirability of preserving the setting of the listed building. I also give considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the conservation area as set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. It follows that having found harm to heritage assets, I give that harm considerable importance and significant weight.
18. Having regard to paragraph 202 of the Framework, I find that as the proposed development would affect a limited part of the conservation area, the harm to the THCA is relatively localised, and therefore the proposed development would cause less than substantial harm to its significance. Additionally, the harm to the setting of the listed building would relate to part of its overall significance and is also less than substantial. I do not, however, find that this harm is outweighed by any public benefits of the proposed development.
19. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
20. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

¹ APP/T0355/W/20/3246710