



Appeal Decision

Site visit made on 24 October 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

Appeal Ref: APP/F5540/W/23/3317100

Berkeley House, Albany Road, London TW8 0ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL, EE Ltd and H3G (UK) Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00015/N/PA1, dated 28 July 2022, was refused by notice dated 2 September 2022.
 - The development proposed is for the installation of 3 no. tripods, 6 no. aperture antennas, 4 no. equipment cabinets, 1 no. universal column and development ancillary thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the installation of 3 no. tripods, 6 no. aperture antennas, 4 no. equipment cabinets, 1 no. universal column and development ancillary thereto at Berkeley House, Albany Road, London TW8 0ND in accordance with the terms of the application Ref 00015/N/PA1, dated 28 July 2022, and the plans submitted with it including drawings titled 002 Site Location Plan, 265 Max Configuration Elevation and 215 Max Configuration Site Plan.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The provisions of the Order do not require such applications to be determined in accordance with the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance. The Framework was updated on 5 September 2023 and after the submission of the appeal. The policies in relation

to supporting high quality communications and the historic environment have remained unchanged within the new version of the Framework.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, having particular regard to the significance of the St Paul's Brentford Conservation Area (CA).

Reasons

5. The appeal site is located within the CA, which covers a relatively compact area within the eastern part of the borough. Its significance is mostly derived from the way in which the buildings and spaces reflect the evolution of the area over time. Although settlement of the area pre-dates the Roman occupation of Britain, it is now predominantly comprised of late Victorian and early twentieth century residential and civic development. As such, it possesses architectural and historic interest owing to the variety of late nineteenth and early twentieth century housing and development types, together with more modern blocks of flats, as well as the original layouts of tree-lined streets. These are factors identified in the Council's conservation area appraisal¹.
6. I am mindful of my statutory duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The CA is also a designated heritage asset for the purposes of the Framework.
7. Berkeley House is a substantial 1960s T-plan block of flats, obliquely set within mostly verdant grounds. It is a six storeys high, robust looking building which means it has considerable mass and presence in the High Street and Albany Road. The deliberate placement of the fenestration and balconies results in a regularity of solid to void, which is augmented by the repeating use of materials. Overall, it has an impressive but broadly utilitarian appearance that stands apart from other buildings. In form and scale, it is obviously and physically distinct from older townscape to the north-east.
8. The appeal building adds interest to the CA as it reflects a period where social and economic changes manifested in a dramatic change to housing provision. Furthermore, it possesses some limited aesthetic interest as an example of 1960s architectural design. This is confirmed by the Council's conservation area appraisal identification of the appeal building as a positive contributor to the CA. As such the appeal building contributes towards the special interest and therefore, significance of the CA.
9. There are also some listed buildings not far from the appeal site. These include Brentford Health Centre, 60 High Street and the Former Brentford Fire Station. The general duty as respects to listed buildings contained in section 66 of the Act does not extend to prior approval applications. Nevertheless, the relevant paragraphs of the Framework regarding conserving and enhancing the historic environment are applicable to any development that would affect the significance of any heritage asset including its setting.

¹ St Paul's Brentford Conservation Area Appraisal, October 2021

10. Brentford Health Centre is an unusual modernist building with a strong horizontal emphasis dating from the 1930s, giving it architectural and some historic significance. Although close to Berkeley House, each building sits and is read within their own distinctive plot. Boundary walls further distinguish the listed building. Given the generally varied townscape context, although within its setting, Berkeley House makes little meaningful contribution to the significance of Brentford Health Centre.
11. The Grade II* listed 60 High Street, is an early 18th century, three storey, brown brick house. Its significance derives principally from its architectural quality and surviving historic fabric. The list entry notes the interior features to be remarkably complete. The Former Brentford Fire Station is a distinctive and decorated late 19th century red brick building. It is a building that has both architectural and historic civic value. The context of both listed buildings has significantly altered over time, and now includes an assortment of buildings of different ages, scales and architectural styles. Hence, their respective settings hold limited significance. The presence of the appeal building has little in common with either. As such, the appeal site has a neutral impact on the significance of either building.
12. The proposal concerns the roof of the appeal building and would introduce three tripods each supporting 2 antenna apertures. These structures would attain a height² of 22.75m above ground level, extending upwards from the main roof level by approximately 6.35 metres³, and would correspond to corners at the three ends of the T shaped building. In addition, a universal column would be installed on concrete plinths to support four equipment cabinets.
13. The telecommunications equipment would have a functional and modern appearance. To a degree this would resonate with the angular and utilitarian style of the building. Furthermore, the building already has some structures on the roof including a sizeable plant room, chimney with an aerial mounted above and guard rail around the roof edge. The proposed cabinets and cabling would be of a modest scale and set in from the edge of the roof. As such, they would be assimilated comfortably into this context and would have a marginal visual impact on the building and wider CA.
14. However, the three tripods and antennas would be notably higher than the plant room and fixed at the extremities of the building. Their presence would adversely dilute the strong horizontal emphasis and silhouette of the building by introducing three disruptive vertical elements along the roofline. Given their elevated position on a tall building, these structures would also be conspicuous. Accordingly, they would be visible from street level and nearby buildings. This would include some views along Albany Road, the High Street and from some parts of St Paul's recreation area. Owing to this some harm would result to the character and appearance of the building, which would undermine its positive contribution to the CA.
15. However, the degree of harm would be tempered by several factors. Firstly, the relative lightweight appearance and neutral finish of the structures would assist in making them less obtrusive, which is partly illustrated in the photomontages

² Paragraph 2.15, Appellant's Statement of Case and 265 Max Configuration Elevation drawing

³ Drawing 265 Max Configuration Elevation gives main roof level as 16.4m

- provided⁴. Secondly, the proposals would not interfere with the visual interest of the facades of the building and would leave the white eaves banding undisturbed. This would mean that the original horizontal roofline would be clearly discernible.
16. Furthermore, relative to the scale of Berkeley House, the proposals are of a modest size. The substantial massing and solidity of the building means that it is less sensitive to such alterations. Finally, the context is a busy urban environment, hosting a considerable variety of differently sized and form of building, as well as mature trees. The surrounding visual complexity, including the rooflines would assist in subduing the probability that the proposals would draw the eye.
17. Taking these factors together, I find that the extent of harm to the character and appearance of the building would be limited. Therefore, there would be limited conflict with policies CC1 and CC2 of the London Borough of Hounslow Local Plan 2015-2030, September 2015 (LP) as these seek development that conserves and enhances the context and character of the area.
18. I further find that the harm to the CA taken as a whole would be less than substantial. My finding is reinforced by a similar conclusion in the submitted heritage assessment⁵. As such, the proposals would conflict with policy CC4 of the LP which seeks to conserve and enhance the significance of heritage assets. In these circumstances, paragraph 202 of the Framework stipulates that this harm should be weighed against the public benefits of the proposal.
19. The government generally seeks to support high quality communications, and paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and well-being. This underlying objective is reinforced in other government publications that have been provided by the appellant. Furthermore, policy EC4 of the LP also seeks to promote enhanced telecommunication connectivity.
20. The appellant explains that existing telecommunications equipment will need to be removed as the site (Goddards) is due to be redeveloped and so will not be available to accommodate it. I have not seen evidence to show otherwise. Hence, the proposals result from a need to find an alternative site but would also upgrade digital communication provision in the area by allowing for additional coverage and capacity. In addition, the proposals would upgrade the Emergency Services Network. These are important public benefits that weigh heavily in favour of the proposal.
21. The Council asserts⁶ that there are other less obtrusive sites in the near locality that could accommodate the installation. However, there are technical constraints that limit the potential for suitable alternatives. In this case, amongst other things, the proposals are seeking to move telecommunications functionality from an existing site. It follows that the replacement site must be close to the original for it to provide at least a similar level of service. This is borne out by the coverage plot maps provided⁷.

⁴ Appendix 18, Appellant's Statement of Case

⁵ Paragraph 4.1.12, prepared by Fuller Long dated February 2023

⁶ Council's delegated report

⁷ Appendix 22, Appellant's Statement of Case

22. In addition, sites must be able to accommodate the equipment spatially, and in the case of a building this means it must be structurally capable of supporting the development. There is a policy preference to the siting of masts on buildings or existing masts as opposed to ground based stations. This is generally predicated on such developments being less visually harmful or intrusive. Paragraph 117c) of the Framework states that prior approval applications for a new mast or base station should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure, and policy EC4 of the LP broadly aligns with that approach.
23. Furthermore, any potential site must comply with the guidelines published by the International Commission on non-ionizing radiation protection (ICNIRP) to ensure appropriate health safeguards.
24. Having regard to those factors, the appellant has considered a series of other potential sites including various buildings and ground based equipment. These are identified in a table and on a map⁸. Some of the alternatives would also be in the CA and so, would not obviously be less obtrusive or harmful to it. Save for Brentford County Court, the remaining sites not in the CA have been discounted for various reasons relating to redevelopment works, unavailability or an inability to meet the criteria already described.
25. Brentford County Court was discounted on the basis that it would be too exposed, with little backdrop. It is a lower building than Berkeley House, sited about 65m to the west. There are roads on three of its sides, with a large car park adjacent to the fourth. When this space on all sides is combined with the limited landscaping, it would mean that similarly sized equipment on the roof of that building would be particularly prominent. Although not within the CA, it is close to its southern boundary, and it is probable that it would be seen in some views from St Paul's recreation area. On the evidence before me, when compared to the appeal proposal I am not convinced it represents an improvement.
26. Furthermore, no specific examples have been identified by the Council which prevents any further comparison with the scheme before me. Although some of the representations objecting to the proposal point to Ballymore multi-storey car park roof as a suitable alternative, this was included in the potential sites considered by the appellant and discounted on the basis that the rooftop plant room would not be adequate structurally to provide the space or support the weight of the equipment. No substantive evidence is provided to undermine that conclusion, nor show that a different, larger part of the rooftop would be available and suitable.
27. Overall, I am satisfied that the appellant has undertaken a reasonable exploration of potential sites, and that this has not revealed any suitable preferable alternatives. Based on the information provided, the lack of suitable alternatives is a factor that weighs in favour of the appeal scheme.
28. Taken together, I find that the weight of public benefits associated with the proposal would be sufficient to outweigh the less than substantial harm to the significance of the CA, even with the great weight⁹ it carries.

⁸ Paragraph 2.38 and Appendix 19, Appellant's Statement of Case

⁹ Paragraph 199 of the Framework

29. Accordingly, although I accept there would be some harm to the character and appearance of the area and CA arising from the siting and appearance of the proposal, this is justified in the circumstances.

Other matters

30. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the ICNIRP. In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
31. It is also asserted that the proposal would cause property values at Berkeley House to decrease and may generally deter future opportunities under the Right to Buy scheme. However, the scope of my determination is limited by the Order. Consequently, these are not matters that carry weight when directly considering the matters of siting and appearance.

Conditions

32. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

33. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

Helen O'Connor

Inspector