



Appeal Decision

Site visit made on 11 October 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2023

Appeal Ref: APP/A5270/W/23/3314893 Montpelier Road, Perivale, London W5 2QR

- 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 CK Hutchison Networks (UK) Ltd against the decision of London Borough of Ealing.
 - The application Ref 224009PNT, dated 13 September 2022, was refused by notice dated 9 November 2022.
 - The development proposed is described as: 'Proposed telecommunications installation: Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO 2015), 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 principle of development is established by the GPDO 2015, and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to 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.
4. In relation to designated heritage assets, the submitted evidence confirms that the appeal site is located within the Montpelier Park Conservation Area (the CA) and is in the vicinity of the Church of St Peter. However, this is a Grade II* listed building¹ and is not Grade II listed as set out in the Council's delegated report.
5. I have taken into account the revised Framework as published on 19 December 2023. Any reference to the Framework below is consequently a reference to this latest revised version. I have not sought the views of the main parties

¹ List Entry Number: 1079390.

since the substantive elements of the new Framework, in regard to the main issues of the case, have not changed from the previous iteration.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, having regard to the effect on the significance of designated heritage assets.

Reasons

7. The appeal site is located to the back edge of the pavement on the north side of Montpelier Road. The surrounding buildings are typically residential with a mix of four storey blocks of flats and substantial two and three storey houses present. Street furniture here is limited in height and width, comprising of slim lighting columns of approximately six metres in height and lower-level signage.
8. The site backs onto the boundary of Montpelier Park, a large area of green space containing a number of mature trees. Mature trees are present along the boundary here at regular intervals and contribute to the verdant and suburban character of the area here.
9. The Church of St Peter is located on the opposite side of the road, to the west of the appeal site. It is an outstanding landmark building of high significance and prominence. Constructed between 1889 and 1892 by J. D. Sedding and H. Wilson, it is of free Gothic style and constructed of yellow stock brick with stone detailing. The nave has a tall, steeply pitched roof including a regular arrangement of turrets. The west elevation facing onto Mount Park Road comprises of a large window with highly detailed Decorated style tracery. The window is flanked by narrow turrets with battlements and thin spirelets. Together these features contribute to a uniquely detailed building with a very strong vertical and dominant appearance within the streetscene. Its powerful presence as a focal landmark here is enhanced by its unique Gothic design and high-quality craftsmanship. These architectural and historic interests positively contribute to the building's significance.
10. As a result of its imposing vertical presence, the listed building is visible for some distance, including in views through Montpelier Park from Mount Avenue. In these views its prominence is emphasised through its position at a high point in the local landscape. Pertinent to the appeal, the adjacent Montpelier Park and surrounding streets comprising Mount Park Road and Montpelier Road, including contemporaneous Victorian and Edwardian properties, provide an immediate setting within which to experience the Church of St Peter which is integral to and contributes in a meaningful and positive way to the listed building's significance.
11. The Core of the CA is formed by Montpelier Park, which was formerly the grounds of Princess Helena College. Criss-crossed by footpaths, the park and surrounding land slopes down from Montpelier Road to Mount Avenue in the north. Development around the park boundary is reflective of the area's growth as a desirable suburb in the late Victorian and Edwardian periods, with many of the older substantial properties constructed during this time. These dwellings are typically set back from the road on large plots along broad, winding roads that follow the rising topography. This along with the verdant presence of the park provides for a spacious townscape.

12. Pertinent to the appeal, the character and appearance and thus the significance of the CA stems from the influence of Montpelier Park and its contribution to the verdant character and spacious townscape, the rising topography from south to north and the prevalence of nineteenth and twentieth century domestic architecture. The Church of St Peter is the principal landmark and the focus of the CA and thus also contributes to its significance. This is reinforced by the assessment contained within the Montpelier Conservation Area Appraisal (2009).
13. In assessing the effects of the proposal, I am mindful of the advice set out in the Framework which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Moreover, any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.
14. I acknowledge the operational requirements and technical constraints that dictate the height and form of the monopole as well as the number and form of associated cabinets. I also note that the scheme represents a reduction in height of three metres compared to a similar scheme at the site that was refused previously².
15. The proposed monopole would measure 15 metres in height and consequently would be markedly taller than the existing street furniture and would also project above the height of the adjacent trees. Its vertical projection, set forward of the adjacent trees would cause it to be unduly prominent when travelling towards the structure from either direction along Montpelier Road. Sited at a higher level, the monopole would also be highly prominent in views from within Montpelier Park. Furthermore, the monopole and wraparound cabinet would be considerably bulkier in form and appearance than other street furniture here, further compounding its physical and visual prominence. These effects would not be sufficiently mitigated by the use of an alternative colour finish for the installation, suggested by the appellant.
16. I accept that the trees would have some effect in terms of breaking up views of the mast, particularly in views from the park. The mast would also be seen against the backdrop of the trees in direct views from Montpelier Road. However, the vegetation here is not dense and therefore any mitigation arising is therefore limited. Furthermore, views would increase at times when the trees are not in leaf.
17. For these reasons and having regard to the site's location immediately adjacent to the boundary of a public park with no significant manmade features between, I find that the proposal would appear as an unduly conspicuous and discordant feature which is wholly at odds with the scale of existing street furniture. As such, it would not assimilate well into its surroundings.
18. The location of the site within the designated heritage asset of the CA and within the immediate setting of the Grade II* listed Church of St Peter, causes the area to be sensitive to change.

² Ref: 213637PNT.

19. Located to the opposite side of the road and a short distance from the Church of St Peter, the proposal would be viewed in conjunction with the Grade II* listed building when travelling in either direction along Montpelier Road. As a vertical structure of considerable height, it would significantly intrude into the parkland setting of the church and visually compete with its vertical presence within the streetscene to the detriment of its significance.
20. In views from Montpelier Park, the structure would sit forward of the church and consequently, given its significant height, would cause the monopole to appear more prominent than the vertical features of the church in many of the views from the park. In these instances, the monopole would harmfully detract from these important views of the church, dominating its setting and adversely altering the ability to appreciate the building's significance.
21. The siting of such a tall, unduly incongruous man-made feature on the edge of Montpelier Park, would adversely affect the spacious verdant character of the townscape here, to the detriment of the character and appearance of the CA as a whole, and thus its significance. Furthermore, having regard to its proposed siting close to a principal building within the CA, it follows that the identified harmful effects of the proposal would erode the character and appearance of the CA as a whole, adversely affecting its significance.
22. With reference to Paragraphs 207 and 208 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the limited nature and extent of the development relative to the area and setting of the designated heritage assets as a whole, I find that the harm be less than substantial. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal.
23. I have had regard to the support in the Framework for high quality communications and infrastructure, including the expansion of next generation mobile technology such as 5G. I also note the general support for the delivery of communications infrastructure through Policy SI 6 of the London Plan (2021).
24. Nevertheless, I am mindful that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations, as set out at Framework paragraph 195. Therefore, although the Government aims to facilitate the growth of new telecommunication systems and digital technologies, it also places great emphasis on protecting designated heritage assets and their settings, particularly those of higher significance such as the Church of St Peter.
25. The appellant sets out that there are no opportunities for mast sharing or a roof installation on a tall building in the locality. Whilst the appellant cites technical barriers as the primary reason for this, the evidence supplied in that regard is relatively limited. The appellant also argues that they have undertaken an assessment of potential alternative sites as required by Framework paragraph 121 c). However, it appears that only five other locations nearby have been considered, a relatively limited selection. In this regard I note that three have been discounted on the basis that they are directly in front of residential properties, and a fourth due to creation of a pinch-point with existing street furniture.

26. The approach taken by the appellant meets the basic requirements of the Framework in terms of exploring the possibility of erecting antennas on an existing building, mast or other structure and considering alternative sites. However, given the sensitivity of the site in relation to designated heritage assets and the requirement of the Framework to provide clear and convincing justification for any harm to their significance, I find this assessment to be limited in extent and lacking in detail.
27. Overall, the considerable importance and weight I attach to the identified harm would not be outweighed by the substantial weight I ascribe to the public benefits which would accrue from the proposal.
28. I therefore conclude that the siting and appearance of the proposal would have a harmful effect on the character and appearance of the surrounding area and would adversely affect the significance of the CA and the significance of the Church of St Peter, through harm to its setting. Furthermore, this harm would not be outweighed by the benefits of the proposal. The proposal would therefore conflict with Policies D3 and D4 of the London Plan (2021) and Policies 7B and 7.4 of the Ealing Development Management Development Plan Document (2013). Amongst other things, these policies require a high quality of design in all new development that preserves local character. The proposal would also fail to comply with the provisions within the Framework which seek to conserve and enhance the historic environment.

Conclusion

29. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR