



Appeal Decision

Site visit made on 25 June 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2024

Appeal Ref: APP/U5360/W/24/3337041

146 Mare Street, Hackney, London E8 3SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by EE Ltd and Hutchison 3G UK Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/1763.
 - The development proposed is rooftop telecommunications installation. Proposed 10m High FLI Stub Tower on Steel Grillage on RC Plinths case onto plantroom roof over 4No. RC Columns inside plantroom stub tower to support 6No. Antenna Apertures at 20°/155°/255° & 4No. 600w Dishes. Grillage C/W access steps, handrail, open mesh flooring & kick plate, Proposed EE/H3G outdoor Cabinets on Steel Grillage and associated ancillary works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the:
 - Character and appearance of the host building and the area, with due regard to the Mare Street Conservation Area; and
 - Living conditions of nearby residents in respect of light.

Reasons

Character and Appearance

3. The appeal site consists of a building set over a number of floors which extends from the frontage facing onto Mare Street. The front façade of the building is an attractive and imposing feature, although the taller elements extending to the rear are of a more understated character. The proposed stub tower would be located on a plantroom on the roof of the building, which has the appearance of a flat roofed feature projecting above the main roof.
4. Although the stub tower would be set away from the main frontage of Mare Street, it would be readily visible due to the height of the plantroom and an open aspect enabled by lower buildings and a petrol station adjacent to the site. The proposed lattice tower and antennas would appear as utilitarian and unattractive features projecting above the highest point of the building, and would be of an incongruous appearance even allowing for the understated character of the buildings on the rear part of the site. The proposal would be a particularly obtrusive feature in views from Mare Street, which is one of the

main roads running through the area. The visual impact of the proposal would be intrusive even allowing for tall buildings in the area and other vertical features such as streetlights.

5. The appeal site is located within the Mare Street Conservation Area (CA). The CA derives its significance in part from the historic association with the development of the area as well as its architecture. Mare Street itself is a busy thoroughfare with a retail and commercial emphasis, which the CA Appraisal sets out is a major linear urban space and is generally recognised as a key place in Hackney. These factors contribute to the importance of the CA as a designated heritage asset. The appeal site, particularly its imposing front elevation, makes a positive contribution to the character and appearance of the CA. The prominent and jarring appearance of the proposed tower and antennas would lead to significant harm to the contribution that the appeal site makes to the CA.
6. The proposal is in response to a Notice to Quit (NTQ) for a similar stub tower on a building elsewhere in the area. The removal of the extant tower would mean that the proposal would not lead to an increase in towers of this design in the area. However, the extant site is much better screened in views from the CA and from main thoroughfares compared to the appeal proposal. Although the existing tower is visible from Mare Street, the views are much more fleeting. The removal of this tower does not therefore mitigate for the clumsy placement and prominence of the appeal proposal.
7. The appellant emphasises that the height of the proposed tower is the minimum needed to provide 5G coverage. I am also mindful that cabinets and other ancillary elements of the proposal would not be readily visible in views from street level. However, these matters do not lead me to a different conclusion in respect of the obtrusive design and placement of the tower and antennas.
8. The Council refers to the lack of a Design and Access Statement (DAS). However, a completed DAS has been submitted with the appeal and I have had regard to it accordingly. That said, the submitted DAS does not lead me to a different conclusion based on my own observations.
9. I therefore conclude that due to its design, height and location, the proposal would lead to significant harm to the character and appearance of the host building and the area. For the same reasons, the proposal would also lead to significant harm to the character and appearance of the CA.

Living Conditions

10. The Council refers to potential overshadowing for occupiers of 148-150 Mare Street. However, the tower is a lattice structure which would allow some light to penetrate through it, and is not of a scale or massing that would lead to a significant loss of light. Even allowing for the arrangement of the appeal site and Nos 148-150, and the lack of shading diagrams, based on the evidence before me I do not consider that the proposal would lead to an unacceptable loss of light or overshadowing to residents of nearby premises. The proposal would therefore not conflict with the amenity requirements of Policy LP2 of the Hackney Local Plan 2020 (the Local Plan)

Planning Balance and Conclusion

11. The appellant emphasises that the location of the tower on a building reflects the sequential approach to site selection in the National Planning Policy Framework. They have also considered a number of other options which have been discounted. However, the number of other considered options is very limited and covers a small search area. There are other buildings in the wider area which may be capable of supporting an antenna of the type proposed, including some outside the CA and located away from main thoroughfares. I am mindful of the limitations of a 5G cell area and the need for antenna in this area to be located at height. However, even given the limited size of a 5G cell and the constraints of this area, the appellant's sequential approach and site selection exercise would not appear to be suitably robust.
12. I am mindful of the benefits of maintaining and enhancing electronic communication infrastructure, including the provision of 5G coverage. The proposal would enable the maintenance of coverage which could be lost as a result of the NTQ. However, it has not been demonstrated that these benefits would not be possible on sites in the vicinity of the appeal proposal which are more suitably located in respect of character and appearance and heritage matters. These benefits therefore carry very limited weight in favour of the siting of the proposal.
13. Notwithstanding my conclusions in respect of living conditions, the proposal would lead to significant harm to the character and appearance of the host building and would fail to preserve or enhance the character and appearance of the CA. Although the harm to the CA would be less than substantial, I attach great weight to that harm, and the public benefits arising from the proposal of this design in this specific location would not be sufficient to outweigh the identified harm. The proposal would therefore be contrary to the heritage, design and local character considerations of Policies D4 and HC1 of the London Plan 2021 and Policies LP1 and LP3 of the Local Plan.
14. For the reasons given above the appeal should be dismissed.

David Cross

INSPECTOR