



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: 16 July 2024

Appeal Ref: APP/U5360/W/23/3330875

Mare Street Studios, 203-213 Mare Street, London E8 3QE

- 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 Freshwave Facilities Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/1001 .
 - The development proposed is erection of 6 no. antennas, 3 no. dishes and associated ancillary development.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is 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.

Reasons

3. The appeal site consists of a building which the evidence suggests has undergone recent regenerative work. This is reflected in the attractive if understated appearance of the building, with a relatively simple and uncluttered roof form when viewed from Mare Street, and a similar uncluttered roofscape on buildings of various heights extending to the rear. The roofscape includes accommodation in flat roofed structures to the front and rear which are set back from the main elevations, as well as screened plant housing and railings. But these do not detract from the appearance of the building.
4. The proposal includes antennas, dishes, supporting frames and other ancillary equipment located in separate locations to the front and rear of the building. Although these locations are set back from the edges of the building, due to the height and bulk of the antennas they would be apparent from the streetscape around the building as adding incongruous clutter to this roofscape.
5. This would include views from Mare Street which is one of the main thoroughfares through the area. Due to the height of the proposed antennas to the front and the arrangement of other buildings in the streetscape, the antennas would be readily apparent in medium distance views. Even allowing for the commercial nature of Mare Street and associated features including signage, street lights etc. the prominence and height of the antennas would be a jarring feature in views of the area.

6. The rear antennas would also be visible from the streetscape to the rear of the site. Although not as prominent as the antennas to the front, the proposal to the rear would also be viewed as a jarring feature projecting above the roofscape of the host building.
7. The appellant refers to previous telecommunications equipment on the building which was relocated as part of the regeneration of the site. The equipment was placed in a temporary location, and the appellant highlights the need to relocate this due to a Notice to Quit (NTQ) being served in relation to the temporary site. The appeal proposal would allow the continuation of 3G and 4G mobile connections to continue, as well as providing for 5G technology. However, it has not been demonstrated that the temporary antennas to be removed are of such a prominent location and design as the appeal proposal.
8. 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 as an attractive example of regeneration makes a positive contribution to the character and appearance of the CA. The prominent and jarring appearance of the proposed antennas, dishes and frames would lead to significant harm to the contribution that the appeal site makes to the CA.
9. The appellant refers to the history of antennas located on this building, and the previous approval of these antennas by the Council. However, these antennas have not been in place for some time, and the building has undergone a sensitive regeneration process which represents a material change in circumstances since their removal. Based on the submitted evidence, prior to its regeneration the building was relatively unattractive, and the antennas located on it at that time would not have had the same relative harm as that arising from the appeal proposal. Although I have had regard to the history of antennas at the site, these carry limited weight in favour of the proposal of the form proposed at this time.
10. The appellant has undertaken a site selection exercise. 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 the antenna. However, even given the limited size of a 5G cell and the constraints of this area, the appellant's site selection exercise would not appear to be suitably robust.
11. My attention has been drawn to other antennas and equipment in the surrounding area. But it has not been demonstrated that they represent a direct parallel to the appeal proposal or establish a prevailing context due to matters including differences in design and prominence from main thoroughfares. Furthermore, the antennas at Paragon Road served to confirm the cluttered appearance of this form of development. In any event, I have determined this appeal on its own merits.

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. For the reasons given above, 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, public realm and local character considerations of Policies D1, D4, D8 and HC1 of the London Plan 2021 and Policies LP1, LP3 and PP1 of the Hackney Local Plan 2020.

Conclusion

14. For the reasons given above the appeal should be dismissed.

David Cross

INSPECTOR