



Appeal Decision

Site visit made on 25 June 2024

by L Fleming BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Appeal Ref: APP/A1530/W/24/3342665

• **Telecommunication Site 62370 St Botolphs Street, Colchester, CO2 7DU**

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 MBNL against the decision of Colchester City Council.
 - The application Ref 232468 was refused by notice dated 18 December 2023.
 - The development proposed is Installation of 1no new 4.1m high brick-effect GRP shroud to house 3no new replacement antennas, removal of 3no existing antennas and associated ancillary works thereto.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the character and appearance of the area bearing in mind it would be attached to the locally listed 6-8 St Botolph's Road, within the Colchester Conservation Area No 1 and within the settings of the scheduled monument and grade I listed Ruins of Priory Church of St Botolph's and the grade II listed St Botolph's Church.

Reasons

3. The proposed replacement telecommunication equipment would be fixed to the roof of 6-8 St Botolph's Road (Nos 6-8) which is a locally listed building. Nos 6-8 is in a town centre and within the Colchester Conservation Area No 1 (CA). The proposal would also be close to the scheduled monument and grade I listed Ruins of Priory Church of St Botolph's (the Priory) and the grade II listed St Botolph's Church (the Church).

Significance of Nos 6-8, the Priory, the Church and the CA

4. Nos 6-8 is a substantial four storey building in use as flats above ground floor commercial units. Constructed in the 1880's it is one of the taller buildings within the commercial street frontage of St Botolph's Road. Above modern shopfronts its façade is finished in limestone and has a full height tripartite window with pediment, quoins and cornice details. Insofar as is relevant to this appeal the significance of the non-designated heritage asset is derived from its commercial location, limestone finish and its formal traditional architectural detailing.
5. The Priory comprises mid C12 church ruins set within grounds in use as public open space which also form part of the churchyard to the Church. The ruined church survived the suppression of the Priory in 1536 but was ruined in the siege of Colchester in 1648. The ruins are notably built from mainly stone and

brick, some of which was reclaimed from Roman buildings. There are circular brick columns to the nave and interlacing arcades. Insofar as is relevant to this appeal the significance of the designated heritage asset derives from its great age, its remaining architectural detailing and its religious association with the settlement and the Church.

6. The Church was built in 1836 with periodic alterations and extensions and is located within the same grounds as the Priory. Taking reference from and built to replace the Priory, the Church is of neo-Norman design, with a large tower, turrets and a large gabled portal. Insofar as is relevant to this appeal the significance of the Church, is founded on its relationship with the Priory, its architectural detailing, its ecclesiastical use and its positioning in relation to the settlement.
7. The expansive CA encompasses the whole of the historic Roman walled town and areas adjoining it. The traditional buildings in the CA are mainly of medieval, post-medieval, Georgian and Victorian origin and generally arranged in response to the historic street pattern. Thus, insofar as is relevant to this appeal, the significance of the CA is founded on the age, architectural detailing and layout of the traditional buildings within it.

Effect on the significance of Nos 6-8, the Priory, the Church and the CA

8. Three existing antennas would be removed and replaced with taller equipment including three antennas and a new 4.1 metres high brick effect shroud screen. I acknowledge all the equipment which would be removed to accommodate the proposal and that telecoms equipment has been sited on the appeal building since 2011. I also recognise the height of the proposed shroud and equipment is as low as possible to ensure the necessary network coverage and meet relevant standards. I also note the proposal follows a previous scheme¹ and has been redesigned in an attempt to address the Council's reasons for refusal. I also note the evidence states that the roof of Nos 6-8 historically had a number of chimneys all of which are no longer present.
9. I accept the proposal would not be visible from St Botolph's Street standing in front of Nos 6-8. However, the proposed shroud would be taller than the existing equipment and would be visible from a variety of vantage points within the town centre, the CA and the grounds associated with the Priory and the Church. Whilst I acknowledge the proposal would be an upgrade of an existing site, on the basis of the evidence before me I am not satisfied this detailed appeal proposal is the only way of achieving its aims.
10. Through its central positioning, width and height the scheme would appear as a large modern brick box attached to the roof of Nos 6-8. In my view, it would not appear similar to a chimney feature, or any other complimentary feature which would be expected to be attached to the roof of the appeal building. Even though viewed in the context of a varied roofscape, through its scale, form, positioning and finish it would noticeably conflict with the architectural features and proportions of the locally listed building. Thus, the proposal would appear as an unusual, large, bulky and obvious modern roof addition detracting from the traditional features and the overall appearance of the locally listed traditional building.

¹ Council Reference 230683

11. It follows in this case that due to its incongruity and harm to a traditional building within the CA, the proposal would also harm the significance of the CA as a whole. Furthermore, the conflict between the proposal the locally listed building and other traditional features of the CA would be noticeable from the grounds of the Priory and the Church also harming the setting and significance of these designated heritage assets. Even having regard to the drawing appended to the appellants statement, I am not satisfied any additional detailing could overcome these issues and it would not therefore be appropriate to impose a condition requiring finishing details to be agreed.
12. Thus, for the reasons given I find the proposal would harm the character and appearance of the area, the locally listed building, the CA as a whole and the setting and significance of both the Priory and the Church. The harm to the designated heritage assets combined would be less than substantial and towards the lower end of any range.

Planning Balance and Conclusion

13. Paragraph 208 of the Framework requires that less than substantial harm is weighed against the public benefits of a proposal. The Framework also notes at paragraph 118 that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being with paragraph 121 stating applications should be supported by the necessary evidence to justify the proposed development.
14. The proposal would maintain and enhance mobile telecommunication services in the local area and could be adapted to deliver 5G coverage in the future, which are significant economic and social benefits. However, in my view these public benefits are outweighed by the harm I have identified above to the non-designated and designated heritage assets.
15. Thus, the scheme would fail to accord with the Framework taken as a whole. It would also conflict with Policy SP7 of the North Essex Authorities Shared Strategic Section 1 Plan (2021) and Policy DM15, of the Colchester Borough Local Plan 2017-2033 Section 2 (2022) which taken together, seek to ensure good design generally and that proposals involving heritage assets preserve them and their settings.
16. For the above reasons, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR