

---

## Appeal Decision

Site visit made on 2 December 2024

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 January 2025

---

### Appeal Ref: APP/X5990/W/24/3350000

### Montagu Court, 27-29 Montagu Square, City of Westminster, London W1H 2LG

- 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 Cornerstone Telecommunications Infrastructure Ltd (Cornerstone) against the decision of City of Westminster Council.
  - The application Ref is 23/08803/FULL.
  - The development proposed is the installation of 3no. antennas, 1no. 300mm dish, 1no. 600mm dish, 3no. equipment cabinets and ancillary development thereto at roof level.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The revised National Planning Policy Framework ('the Framework') was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought from the parties. I have, however, determined the appeal having regard to the revised Framework, and where I have referenced paragraph numbers, they relate to the revised version.

### Main Issues

3. The main issue is the effect of the proposal on the Portman Estate Conservation Area ('the CA') and nearby heritage assets including the Grade II listed building known as 24-26 Montagu Square.

### Reasons

4. The appeal site relates to a large residential building located at the corner of Montagu Square and Montagu Place, located at the heart of the CA. The building, located at the end of a terrace of buildings of around four or five storeys in height, faces towards communal green space which forms Montagu Square itself, with a further terrace of similar buildings beyond.
5. There are a number of listed buildings in the area, including 1-3 and 4-5 Montagu Place, many of the properties within Montagu Square, including 24-26 which adjoins the appeal site, and 21-75 Gloucester Place, all of which are Grade II listed.
6. As the proposal lies within the CA and in the setting of a number of listed buildings, I am mindful of the statutory duties that require special attention to be paid to the desirability of preserving or enhancing the character or appearance of

conservation areas and of preserving or enhancing listed buildings, their settings or any special architectural or historic interest which they possess.

7. The significance of the CA, insofar as it relates to this appeal, lies in the historic layout of streets in the area, including the formal squares with private communal gardens, along with the high quality, uniformity and retention of original features of the large number of historic buildings within the CA. The Portman Estate Conservation Area Audit ('the CAA') identifies views within and into Montagu Square as specific local views being important to the character of the area. More general views along the principal north/south and east/west routes are also considered to illustrate the overall significance of the CA, including the importance of the roofscape.
8. The listed buildings in the area are generally terraced houses of brick and stucco construction, some listed as individuals, others as groups, but of a similar age. They derive significance from their quality of design and detailing, age, and high-level of external preservation. Additional significance is derived from the group value of these examples of late 18<sup>th</sup> and early 19<sup>th</sup> Century terraced housing in a relatively complete townscape. Accordingly, the setting of these listed buildings includes Montagu Square and its garden, as well as the mews that run to the rear of them, and the appeal property. The CAA identifies that Montagu Square has survived from its original design in almost complete form.
9. The appeal property is said to occupy a site created by bomb damage in the Second World War and dates to the 1950s. Although of a markedly different architectural style to the older buildings amongst which it sits, it harmonises with its surroundings through the use of stucco and stock brick construction and has a restrained quality of its own.
10. At roof level, the majority of buildings in the area have pitched roofs behind parapets interspersed with chimney stacks. The height and depth of buildings means that roof pitches are not always easily discernible. Other than television aerials, the roofscape is largely consistent in displaying little evidence of modern intervention and is largely free of visual clutter. Montagu Court, with its flat roof and plant room differs to an extent, although the height and position of the plant room towards the centre of the roof limit its visibility somewhat.
11. The proposal would introduce 3 antennae to the roof of the appeal property, measuring around 5m in height. The provided plans indicate that they would exceed the height of the existing plant room by more than 2m. An equipment cabinet would be installed adjacent and of a similar height to the plant room, along with a handrail of around 1m in height and dishes.
12. The CAA states that the impact of telecom antennae in short and long-distance views through the CA must be given full consideration, and the height of the antennae, if not the accompanying equipment cabinet, dishes and handrails, would mean that they would be visible in a variety of views. They would be particularly prominent when viewed from Dorset Street. Although the provided photomontages indicate that vegetation within Montagu Square Garden would provide a degree of screening in views from the western side of Montagu Square and the listed buildings situated there, this would likely be intermittent depending on the season, and would not be universal. Accordingly, the proposed antennae would be visible within the setting of the listed buildings at 24-26 Montagu Place.

13. Further views would be possible from the west, along Montagu Place, also despite the presence of trees, however, I accept that closer views, such as from the eastern side of Montagu Square would be less likely due to the height of the host building and its proximity to the road.
14. Overall, the level of visibility, along with the size and bulk of the proposal, means that the antennae would appear as prominent interruptions to the otherwise largely uncluttered roofscape, and would not be comparable to television aerials in this respect. They would comprise overtly modern interventions within the uniformity of the roofscape, which would not be wholly mitigated by their colour treatment. In doing so, they would harm the character of the CA, as well as the setting of the listed buildings.
15. The appellant has highlighted that there has been modern development within the CA, some of which is harmful and represents a shift from the overriding Georgian character, and that the proposal would represent a far smaller change in comparison to this. Although there are more modern buildings within the CA, some of which the CAA identifies as harmful, these are limited to individual examples.
16. As set out above, the significance of the heritage assets is derived, in part, from the level of uniformity and strong sense of character exhibited within the area. This remains, particularly around Montagu Square, despite later interventions, not all of which are harmful. Therefore, the presence of these later buildings would not diminish the effect of the proposal, particularly in more local views.
17. The Council considers that the proposal would result in less than substantial harm to heritage assets. The appellant's provided heritage statement also identifies less than substantial harm, generally at the level of slight/moderate, and although the positions set out in the appellant's appeal statement vary, ultimately a similar conclusion is reached.
18. I also find that the proposals would lead to less than substantial harm to the significance of the heritage assets, although I consider that the level of harm would be greater than the level identified by the appellant. Overall, I consider that the harm would be closer to a moderate level.
19. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. Policy 19 of the Westminster City Plan ('the City Plan') supports investment in digital and telecommunications infrastructure and those public benefits will be weighed against impacts on local character, heritage or the quality of the public realm.
20. The Framework, at Paragraph 119, highlights that advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing, and that planning decision should support the expansion of electronic communications networks, including next generation mobile technology such as 5G.
21. The proposal would improve 5G coverage in an area where coverage, although present, is in places below the highest quality. I acknowledge that there would also be benefits to network capacity. Given the importance of communications infrastructure, including 5G, to economic growth and social wellbeing these are factors that weigh heavily in favour of the proposal as public benefits.

22. However, it is also relevant to consider whether these benefits could be achieved by siting the proposed equipment in another, less harmful location. The evidence indicates that a number of potential sites for the proposed equipment have been considered by the appellant within the area.
23. Of these, I accept that the limitations of 5G technology means that sites at Baker Street (ref D7) and Portman Towers (ref D10) would not be feasible due to proximity with other sites. I also accept that the location of equipment at the Embassies of Switzerland (ref D1), Sweden (ref D2) and Angola (ref D5) would potentially have security and access constraints, and in any case ref D5 is a Grade II\* listed building, as is 73 Gloucester Place (ref D6), and it is questionable whether the use of such assets would represent a less harmful option.
24. Princess Court, Bryanston Place (ref D9) is identified as being of insufficient height and too distant from the target area to meet the technical requirements. Given the relatively small coverage area and frequency of 5G technology, I also accept that this site would not be suitable. I agree that it is unlikely that streetworks equipment (ref D8) would be less harmful than the appeal proposal.
25. Sites at Brymon Court, 32 Montagu Square (ref D3) and Greenhaven Court, 1A Montagu Place (ref D4) have been dismissed as they would be less optimal locations to meet the technical requirements, as they are sited closer to the search area boundary. However, the evidence indicates that the appeal site was chosen on the basis of technical preference only, and there is no indication that the technical requirements could not be achieved at either of these sites. Even given the size of 5G coverage area, I saw that both of these sites are located in close proximity to the appeal site.
26. Therefore, while it is indicated that both of these sites are adjacent to Grade II listed buildings, so would have the potential to be subject to similar constraints as the appeal site, there is no evidence to indicate that they have been thoroughly considered as alternatives in terms of the delivery of the technical requirements. Therefore, I am not convinced that all potential alternatives to the proposed installation have been fully explored, or that the level of harm caused by the proposal would be unavoidable.
27. While the Framework advises that planning decisions should support the expansion of electronic communications networks, it also requires that great weight should be given to the conservation of heritage assets.
28. Therefore, it is my overall view that while there would be public benefits arising from the proposal including improvements to 5G service level, connectivity and coverage, it has not been satisfactorily demonstrated that this site is the most suitable option. This reduces the weight that can be given to the benefits of the proposal. As such, these benefits would not be sufficient to outweigh the less than substantial harm to the CA and listed buildings that I have identified would occur.
29. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of Portland Estate Conservation Area, or the significance of the setting of nearby listed buildings. As such, it would be contrary to Policies 19, 38, 39 and 40 of the City Plan. These policies, amongst other factors, seek to ensure that development should protect or enhance heritage assets.

## **Other Matters**

30. I acknowledge that the appellant has amended the proposal several times in attempts to reach an acceptable solution at the appeal site, including the reduction in numbers of antennae, antenna height and the use of GRP shrouding. However, I am required to consider the proposal before me on its merits. I am also cognisant that the Framework encourages the use of existing buildings for new electronic communications equipment. However, this does not outweigh the harm that I have found.
31. The appellant has referred to several other appeal decisions. Whilst noting the Inspectors' conclusions in those appeals, in particular, the weight to be given to the benefits of the proposals, an assessment must be made on the site-specific considerations in each case. It has not been demonstrated that the proposals in any of these appeal decisions are directly comparable to the scheme before me in terms of the effect on Portman Estate CA or the identified heritage assets, or the approach to site selection. My decision, therefore, would not be inconsistent with them.

## **Conclusion**

32. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

*C Harding*

INSPECTOR