



Appeal Decision

Site visit made on 25 March 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal Ref: APP/G3110/W/24/3350155

**Oxford City Council Offices, St Aldate's Chambers, 109 St Aldate's, Oxford
OX1 1DS**

- 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 (EE (UK) Ltd & H3G (UK) Ltd) against the decision of Oxford City Council.
- The application Ref is 22/01510/FUL.
- The development proposed is the installation of 4 no. antenna apertures, 4 no. 600mm dishes and 3 no. equipment cabinets at rooftop level, along with associated development ancillary thereto.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2024. I have considered its amendments against the earlier version and against the parties' appeal evidence. However, I have not gone back to the parties for comment, as I do not consider the Framework changes to be substantive or determinative to the outcome of this appeal.
3. As a decision-maker, I must consider the statutory duties placed upon me under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which require that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Framework sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
4. The proposal would replace coverage which has been lost from a telecommunications site on the rooftop of the Clarendon Centre nearby, a building which is being redeveloped and is no longer available. The proposal seeks to replace the coverage lost as well as enhancing provision in the local area, including new 5G services.
5. As part of the appeal submission, the appellant has submitted revised drawings which would reduce the quantity of the proposed telecommunications equipment and reposition some equipment, including moving the proposed antennas slightly further away from the corner of the roof near to St Aldate's. The photomontages

have also been updated. The Council comments that similar revisions were submitted to them prior to the determination of the application. As the proposed changes would be relatively minor in their nature, and the Council was able to comment on these revisions, I am satisfied that the Council and interested parties would not be prejudiced by my consideration of the revised drawings. I have therefore taken them into account in reaching my decision. Accordingly, I have revised the description of the proposed development in the banner heading above.

Main Issue

6. The main issue is the effect of the proposal on the significance of designated and non-designated heritage assets including the Oxford Central (City and University) Conservation Area, and Christ Church, The Great Quadrangle, a Grade I listed building.

Reasons

Significance

7. The appeal site relates to the roof of St Aldate's Chambers, on the west side of St Aldate's, which lies within the Central (City and University) Conservation Area (the conservation area). The conservation area appraisal (2012) describes in detail the character and appearance of the area, and its significance. It explains that it comprises the historic centre of Oxford which until the early 19th century was a relatively compact settlement centred on Carfax and extending only a short distance beyond the medieval walls. The appraisal highlights many of the area's historic buildings which contribute to the rich and diverse townscape, including exceptional works by internationally renowned architects. It also refers to the importance of the city's skyline, commenting that 'the roofscape and skyline of the conservation area is perhaps the most animated, joyful and architecturally rich roofscape in the country. It is unquestionably the most famous'. It also mentions that the roofscape is fragile, and easily eroded by inappropriate or ill-considered development. (para.6.3.9). The appraisal identifies elevated viewpoints to appreciate the roofscape as well as focal points and references the Oxford View Cones which recognised the importance of the city's skyline from the 1960s onwards.
8. The appeal building lies within the 'Medieval and Commercial Core' character zone and the 'Principal Streets' character zone which includes St Aldate's and the facades that enclose it. The appraisal notes that key features of the Principal Streets character zone are the taller buildings as well as long views southwards along Cornmarket and St Aldate's which include views of listed buildings, including Tom Tower which is a major landmark. It also mentions that Carfax Tower is an important elevated viewpoint.
9. For the purposes of this appeal, the area's character and appearance is, in part, defined by its historic properties including its many listed buildings, the pattern of development and the relationship of the buildings to each other and nearby open spaces. This includes an attractive range of commercial, educational, religious and civic buildings, as well as domestic buildings, and they are of varied appearance creating a consistent high-quality streetscape and a vibrant feel. This character and appearance can be appreciated both at street level and in the roofscape views described above.

10. The appeal building is a four-storey property with a flat roof designed in a Classical style. It forms part of a grouping of similar buildings at the top end of St Aldate's which collectively possess a strong vertical rhythm and is part of the high-quality streetscape around the Carfax junction. They are identified in the character appraisal as making a positive contribution to the character and appearance of the area. Nearby are numerous listed buildings, including Carfax Tower.
11. To the south of the appeal building, the area is characterised by more narrow medieval urban plots, with generally smaller scale buildings and a varied roofscape. Notable buildings include 107 St Aldate's, a public house with 16th century origins and a 19th century decorative façade, and 98 St Aldate's, an early 19th century house which are both Grade II listed buildings.
12. To the east of the appeal building, the area is dominated by the stone frontages of grand institutional buildings including the Town Hall and Museum (Grade II* listed) and the western range of Christ Church, The Great Quadrangle (Grade I listed and other designations). Between these lies Blue Boar Street and No.6, 7 & 8 St Aldate's. These are both Grade II listed historic houses arranged over 3 domestic storeys, sandwiched between the large and prestigious buildings.
13. Whilst the appeal building is modest in appearance compared to the grandeur of many nearby, it has a more noticeable presence in northerly views when approaching from Pembroke Street. Due to rising topography, its comparative height with St Aldate's Tavern alongside, and its slightly forward position, the eye is drawn towards it, especially its upper south east corner. Photomontage Viewpoint 2 clearly shows the form of the building's flat roof, and the prominence of this corner expressed against the sky.
14. I have had regard to the numerous listed buildings in the vicinity of the appeal building, some of which are mentioned above. In relation to this appeal, their special interest and significance mainly derives from their age, historic fabric, form, function, their architectural features, and their group value. Their special interest and significance is experienced from streetscape views as well as elevated views associated with Oxford's roofscape. Of particular note are the central tower and spire of Christ Church, and Tom Tower, two of Oxford's most recognisable architectural landmarks and prominent in its skyline.
15. I have also had regard to The Post Office at Nos.102-104, St Aldate's which lies just to the south of the appeal building. Although not listed it is identified by the Council as a non-designated heritage asset due to its design and strong presence in the streetscape.

The Proposal

16. The Appellant's Heritage Impact Assessment (HIA) and Townscape Visual Appraisal (TVIA) both find a degree of harm to nearby designated heritage assets arising from the proposal. However, although these describe the context and likely effect of the proposal, only the two photomontages illustrate the visual impact, and this is primarily in relation to the streetscape. It is therefore hard to assess the true impact of the proposal in this highly sensitive and complex environment.
17. Even when considering the revised proposals, the photomontages show that the proposed equipment on the south eastern corner of the roof would be very noticeable within the St Aldate's streetscape. The clearly discernible skeletal

outline of some of the equipment would appear above the roof and it would be mainly seen against the skyline, rising from the surrounding roofscape. It would be particularly noticeable in northerly views where I have already noted that the roofline of the building is more apparent and it would be viewed in conjunction with the surrounding listed buildings, including the Town Hall. Also, there would be significant visibility from some points at Carfax junction looking south where it would be viewed in conjunction with the surrounding cluster of listed buildings opposite and beyond, including the landmark of Tom Tower.

18. In many busy commercial areas, the eye is more naturally drawn along the street at lower level attracted by the activity in the area, the vibrancy of different uses and backdrop of street furniture. However, in this location, given the rich tapestry of surrounding architectural buildings and the vertical accents created by the famous landmarks and the picturesque roofscape including parapets, pinnacles and turrets, the eye is naturally drawn up. Therefore, the proposed equipment would appear an incongruous, utilitarian addition which would significantly distract and draw the eye from the architectural splendour of the place.
19. So too in more elevated views, the proposed equipment would have a noticeable presence in the roofscape and wider skyline. The images in the TVIA show the range of historic buildings which are likely to be impacted to some extent by the proposal. Although it comments that in longer views the proposal would have a negligible effect on heritage assets, and some surrounding buildings or features may provide an element of screening, this is not demonstrated to my satisfaction. I do agree, however, that in the relatively close view from Carfax Tower, the equipment would have the greatest adverse effect, and it may be seen against the backdrop of Christ Church. The Council considers that the equipment would be sited directly in front of the upper windows of the Cathedral nave. I saw this view on site, and I share the Council's concern. Although the proposed equipment may be relatively small in relation to the scale of surrounding buildings its presence would be highlighted by its modern, utilitarian appearance. The proposal would distract the observer from the ability to appreciate the whole group of heritage assets including Tom Tower and the Cathedral Church. It is also possible that the proposed equipment at the rear of the building would be seen to sit directly in front of the North Range of Pembroke College's Chapel Quad (Grade II listed).
20. Therefore, from the viewpoint at Carfax Tower the siting, size, design and appearance of the proposal would detract from the surrounding roofscape and heritage assets to a significant degree. Even taking account of the existing modern features in this view including aerials, air conditioning units and handrails, these are all relatively low lying and would not punctuate the skyline in the way that the proposed equipment would. Nor was my attention drawn to any other telecommunication equipment which was particularly noticeable in the wider roofscape.
21. Following careful assessment of the proposed drawings, reports and photomontages, I consider that the impact of the proposal in relation to designated heritage assets would be significantly greater than the appellant's findings. This would be experienced both at street level and from elevated views. It would be a striking, modern and intrusive intervention within the heart of Oxford's historic centre. It would not blend into the streetscape, would be an unwelcome distraction in the roofscape and it would significantly harm the environment in which an exceptional range of listed buildings are viewed.

22. I find the harm in the context of the significance of the designated heritage assets, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. I am also mindful that great weight should be given to the assets' conservation. The Framework advises that this harm should be weighed against the public benefits of the proposal which I will discuss later in my decision.
23. Prior to weighting the harm against the public benefits, it is essential to consider whether any mitigation measures could be carried out to lessen the harm and whether the proposed location is fully justified. I accept that there are operational requirements and technical constraints that dictate the height and form of the equipment on this building, and that the design solution aims to suit the site context. I note also that the equipment is as low as possible to comply with INCIRP requirements. Alternative sitings on the building have been considered including moving some equipment towards its centre which would necessitate a taller stub tower to support the apparatus. The appellant has also explored the use of a screen around the equipment. However, whilst these options do not appear to have been fully investigated and the visual impact assessed to discount them, it is unlikely that they would address the harm to the elevated views that I have identified. The Appellant has also discounted moving all equipment towards the rear of the building due to coverage reduction and signal clipping. This option may move the equipment away from key views, but I have not been provided with sufficient information to discount this option. I therefore do not consider that all options have been adequately explored on this building.
24. I recognise the need to urgently find a replacement location for the equipment, the significant constraints of the immediate environment and the limited search area. I have carefully considered the alternative sites put forward by the appellant and the reasons for their discounting. The appellant states that there are no other telecommunications installations within the search area. However, it would have been useful to understand where the other operator's installations are to assess potential for sharing facilities and how other operators are managing in this constrained location.
25. Six alternative sites were considered, with only three within the cell area. All have been discounted. Little detail has been provided to explain the site selection process, including why these were the only possible locations in the search area. The eastern part of the cell area may have a high concentration of listed buildings but that should not automatically discount a large part of the search area. Also, it is unclear why three sites were outside the search area and therefore unlikely to be suitable. Furthermore, there is little detail to explain where the alternative sites would be on each building and the constraints posed by each.
26. It is unclear to me why D1 (Rooftop Bailey House) was considered too far to the west given that it appears within the cell search area. Neither is it adequately explained why an existing installation would duplicate coverage from here when the previous equipment on the Clarendon Centre was seemingly adequate nearby. Site D2 (Rooftop 13-18 Queen Street), was also considered to be too far to the west despite being within the cell search area. There may be height concerns with the building, but it has not been adequately explained whether the height of the apparatus could be increased. There may also be operational or structural issues with the roof, but I have little information relating to this. Given the sensitivity of the

area and the level of constraints, more explanation is justified, especially as both buildings appear to be in less sensitive locations.

27. Whilst operators have not got to consider every possible site, the Framework states that the number of communications sites for such installations should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It encourages the use of existing masts, buildings and other structures. Based on the details before me and what I have seen on site, I am not convinced that the assessment of existing and alternative sites is robust. Sufficient justification has not been provided to support the discounting of these sites or in identifying possible alternative sites which may be less visually harmful. Therefore, it has not been adequately demonstrated to me that there are not any less harmful sites within this immediate area.
28. I have been referred to two previous appeal decisions. The first¹ refers to the weight given to the need for the development in terms of its contribution to the provision of telecommunications infrastructure and the lack of suitable alternative sites which outweighed any heritage harm. In the case before me, I am not satisfied that alternative options have been sufficiently explored. In relation to the second², it may have been that the Inspector in this appeal was satisfied with the information given. However, in the case before me, I am not satisfied that I fully understand why sites have been discounted or why further sites have not been explored. It is therefore not unreasonable to request more information. In any event, I am required to form my own views based on the site-specific circumstances and each case must be decided upon its own merits.

Public benefits and heritage balance

29. I recognise that the main driver of this proposal is to replace the existing provision which has been removed in the area, whilst also enhancing network coverage. It is stated that without a new installation coverage and capacity levels will not be acceptable. The appellant also states that EE will become the Emergency Services Network Provider. I have also 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 recognise the benefits of facilitating increased robust, reliable and efficient digital communications for the area, both for businesses, visitors and residents. 5G technology also typically results in a more constrained cell area. All these economic and social benefits would flow to the wider public and attract moderate weight in favour of the appeal proposal.
30. The appellant suggests that the previous site on the Clarendon Centre caused a degree of harm to the historic townscape and its removal should be considered a public benefit. However, that equipment has been removed and any visual harm that was created by this infrastructure appears to have been significantly less than the proposal before me.
31. Despite the evidence presented and the public benefits identified, including the Government aims to facilitate the growth of new telecommunication systems, the Government also places great weight on protecting designated heritage assets.

¹ APP/Z5060/W/21/3279350 London Borough Dagenham and Barking

² APP/G3110/A/2028086 Oxford City Council

Therefore, the great weight I attach to the identified harm to the designated heritage assets would not be outweighed by the moderate weight I ascribe to the public benefits which would accrue from the proposal. This finding, along with my separate assessment of the need for the installation to be sited as proposed, does not outweigh the harm identified to the designated heritage assets. Therefore, whilst I acknowledge the benefits of the scheme in general terms, and I recognise that other Inspectors may conclude differently based on the specific circumstances of each case³, it has not been robustly demonstrated that the circumstances in this instance, justify allowing the scheme.

32. Drawing all this together, I conclude that the siting, size and appearance of the proposal would have a harmful effect on the significance of designated and non-designated heritage assets including the Oxford Central (City and University) Conservation Area, and Christ Church, The Great Quadrangle, a Grade I listed building. Moreover, the harm identified would not be outweighed by the need for that installation to be sited as proposed taking into account any suitable alternatives. The proposal is not clearly and convincingly justified, nor is the harm adequately mitigated. The proposal would fail to meet the requirements of policies DH1 and DH3 of the Oxford Local Plan (2020), which requires development to respect Oxford's unique historic environment. The proposal would therefore not accord with the development plan as a whole. It would also conflict with the Framework which seeks to conserve heritage assets in a manner appropriate to their significance.

Conclusion

33. Whilst there would be benefits associated with the proposal, I consider that there are no material considerations, including the provisions of the Framework, of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR

³ APP/V5570/W/20/3246770 London Borough of Islington