



Appeal Decision

Site visit made on 30 April 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/Q1445/W/25/3359836

The rooftop of St Margaret's Court, Brighton, East Sussex, BN2 7HS

- 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 Brighton and Hove City Council.
 - The application Ref is BH2024/01723.
 - The development proposed is Installation of 1No. EE and 1No. H3G Antenna Aperture on Valmont frame on plinths, EE and H3G BOBs behind antennas, 1No. H3G unilateral cabinet on steel grillage, 2No. EE Unilateral cabinets on steel grillage, EE/H3G MK5 Link AC on steel grillage, 1No. EE and 1No. H3G antenna aperture on Valmont frame on plinths, EE & H3G BOB'S behind antennas, 4No. EE and 4No. H3G RRU'S on pole on Valmont tripod, 2No. EE & H3G 600Ø dishes on antenna pole, 2No. EE & H3G 600Ø dishes on antenna pole (behind) and ancillary equipment for the purposes of telecommunications development.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the siting and appearance of the proposed installation on the character and appearance of the building and the surrounding area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and Appearance

3. The proposed installation is to replace a temporary facility within the Marine Cliffs Car Park, which was required to maintain coverage of the area following a notice to quit the existing site on the rooftop of the White Horse Hotel, to the other side of the High Street from the appeal site, on the roof of St Margaret's Court.
4. St Margaret's Court is a building of Moderne design located close to the seafront. The cream painted building with dark fenestration has a horizontal emphasis with architectural features of clean lines, curved balconies and a parapet roof. The block of flats is a prominent and distinctive building, which is taller than its neighbours. It is locally listed, designated as such in 2023 following restoration work and is a non-designated heritage asset for purposes of the National Planning Policy Framework (the Framework).

5. The roof does contain some existing telecommunication equipment. While a tall and notable addition, the existing equipment is limited to the antennas located on the higher central element. In some of the appellant's visualisations the roof appears to be more cluttered than it is, as they show scaffolding to the chimney, and the temporary mast is also visible. The proposal would result in two antennas positioned at the corners of the eastern wing projecting approximately 4.5m in height. The proposal would spread equipment across the roof and add clutter to the open roof space. The associated equipment enclosed by railings would also project above the parapet wall, disrupting the roofline, and would be at odds with the architectural integrity of the host building.
6. While not seen from the front of the building along the High Street, due to the topography with the land rising up out of the centre of Rottingdean, the rear of the building is fully visible and is dominant in views along Marine Drive when travelling from the east into Rottingdean. From my observations, landscaping along Marine Drive is not of a height to screen the appeal site. In addition, due to its height and design, the building draws attention. The installations would represent an incongruous feature at roof level and would punctuate the skyline. Whilst not excessively bulky structures, the masts would still negatively interrupt these elevated views from the coastal road towards the seafront and across the broader landscape.
7. The Code of Practice¹ highlights that further consideration is needed when installing equipment on or in areas with heritage assets and that visual impacts should be mitigated as far as practicable, with equipment designed to respect the architectural style of the building. Screens for antennas have been rejected due to the bulk and visual impact. However, there have also been no attempts to camouflage the other roof structures, or to adapt the equipment for the specific design aesthetic of the building.
8. Therefore, in conclusion, the utilitarian form of the development would appear as a visually dominant addition to the locally listed building, introducing significant visual clutter to the rooftop which would detract from the visual amenity of the building. It would fail to have an acceptable impact on the character and appearance of the area, both in terms of the design and the appearance of the heritage asset and the wider setting. Thus, the proposal would be contrary to telecommunication policy DM25 of the Brighton & Hove City Plan Part Two (CPP2), which requires no unacceptable impact on the character or appearance of the building where the equipment is located, conservation of heritage assets, and to be appropriately designed.
9. It would also conflict with wider policies CP12 and CP15 of the Brighton & Hove City Plan Part One (CPP1), CPP2 policies DM18 and DM28 and S1 and H2 of the Rottingdean Neighbourhood Plan which support high quality design, conserving and enhancing the built heritage and respect for the character of Rottingdean and its setting.

Alternatives

10. The Framework recognises that a high-quality and reliable communication infrastructure is essential for economic growth and social well-being. The site is to address the requirements to fill a particular hole in the coverage, and based on the

¹ Code of Practice for Wireless Network Development in England 2002

search area provided, it is limited to the southern part of Rottingdean beyond Marine Drive, adjacent to the coastline.

11. The choice over the site selection and design of equipment is primarily dependent upon the coverage and capacity requirements and technical constraints of a specific location. I recognise that there is a limit to how far an operator can reasonably be expected to go to demonstrate that no other less intrusive or harmful sites are available. Nevertheless, given the harm I have found, I need to be satisfied that alternatives have been reasonably explored.
12. Evidence submitted includes details of several alternative sites. Six were considered at the application stage, and subsequently, a number of additional sites suggested by the Council have been considered. All have been rejected for various reasons. Whilst some are for technical reasons, including coverage issues and the suitability of the site/building to accommodate the equipment, several sites have been rejected due to the visual impacts. I accept that street monopole solutions and the other rooftop sites would have visual impacts. However, it is emphasised that St Margaret's Court is the clear favourite as it is the tallest building and contains existing equipment.
13. The proposed installation is different and more extensive than the existing equipment on the roof. There would be no direct sharing, as the equipment would occupy a different part of the roof and introduce new visual impacts, thereby somewhat negating the benefits. In any event, while the use of existing buildings/structures to reduce the environmental impact of installation is encouraged, alternatives can be considered where there is evidence that existing buildings have been explored.
14. I appreciate that the appellant has assessed a number of alternatives. However, sited further away, from Marine Drive installations at the alternative sites of 28 Marine Drive or within the car park, (the location of the temporary mast) would, in my view, interfere less with the expansive panoramic views and the utilitarian appearance of the structures would be less jarring with the host building/setting. There is also no indication that consideration has been given to other arrangements on the roof or different designs to minimise the visual impact.
15. As such, I do not consider that the appellants' approach to site selection and design has been robust and thorough, in terms of the visual impacts, in particular the wider setting and the design in relation to the heritage asset. Accordingly, I am not convinced that less harmful alternatives have been properly explored.

Other Matters

16. The appellant has drawn my attention to two appeal decisions involving rooftop installations affecting heritage assets. However, there is no substantive evidence that any of them share notably similar characteristics with the appeal site and are related to proposals for prior approvals. Therefore, these decisions do not outweigh my conclusions as set out above, based on the specific circumstances of this case.
17. I understand the appellant's frustration in relation to attempts to engage in pre-application consultation and a range of alternative sites, which are technically not workable, being subsequently highlighted. Nonetheless, these matters do not alter my considerations of the proposal.

18. Correspondences from occupants of the building explain that the ancillary equipment to the existing mast is located within what was a sun room, and that the area of the roof proposed for this development is part of the roof terrace available to residents as amenity space. I did not visit the roof space, so I cannot directly comment on its use as an amenity space, however, as noted by the Council, the space occupied by the equipment would be a small proportion of the overall roof space. Issues relating to the residents' agreement with the proposed use within the terrace are separate matters outside the scope of this appeal.
19. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Planning Balance and Conclusion

20. The site is to address a hole in the network, and there would also be social and economic benefits that mobile communications bring. There are, however, limitations to the alternative site selection, which restrict the weight to be given to the public benefits of the proposal, since I cannot be certain that the coverage could not be secured by development elsewhere or in a different arrangement.
21. Also, the Framework and Local Plan policies require facilities to be sympathetically designed and camouflaged where appropriate. In this regard, the incongruity of the development proposed would fail to preserve the appearance of the locally listed building and would result in visual harm to the character and appearance of the area. Taking all the factors considered above into account, in my judgement, the public benefits arising from the proposal would not outweigh the harm.
22. Having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

G Ellis

INSPECTOR