
Appeal Decisions

Site visit made on 11 June 2025

by **S Hunt BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th July 2025

Appeal A Ref: APP/K5030/Y/24/3354180

Cromwell Tower, Barbican, London, EC2 8DD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Luminet Solutions Ltd against the decision of City of London Council.
 - The application Ref is 23/01387/LBC.
 - The works proposed are the installation of 92 no. small antennas attached to new supporting steelwork, plus development ancillary thereto, all contained within new GRP-shrouding, upon the rooftop of the building.
-

Appeal B Ref: APP/K5030/W/24/3354168

Cromwell Tower, Barbican, London, EC2 8DD

- 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 Luminet Solutions Ltd against the decision of City of London Council.
 - The application Ref is 23/01386/FULL.
 - The development proposed is the installation of 92 no. small antennas attached to new supporting steelwork, plus development ancillary thereto, all contained within new GRP-shrouding, upon the rooftop of the building.
-

Decisions

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

Preliminary Matters

3. As the appeals relate to a listed building, the setting of other listed buildings, and the appeal site is situated with a conservation area (CA) I have had special regard to sections (s) 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The evidence refers to the potential presence of peregrine falcons. Whilst not listed in the reasons for refusal I have a duty under s40(1) of the Natural Environment and Rural Communities Act 2006 (as amended 2024) to have regard to the purpose of conserving biodiversity.
5. The reasons for refusal include reference to the draft City Plan 2040. The Council provided an update regarding the recent Examination of the submitted plan. A number of the relevant policies are subject to potential amendments, therefore I only apply limited weight to the emerging plan.

6. The National Planning Policy Framework (NPPF) has also been updated since the decisions were made on the applications, however the relevant paragraphs referred to by the parties remain substantially unchanged. When referring to the NPPF, I use the paragraph numbering from the December 2024 version.

Main Issues

7. The main issues are:
8. Appeal A: whether the works would preserve a Grade II listed building, part of the Barbican (ref. 1352667), and any of the features of special architectural or historic interest that it possesses.
9. Appeal B:
 - the effect of the proposals on the character and appearance of the area, bearing in mind the special attention that should be paid to the extent to which the proposals would preserve or enhance the character or appearance of the Barbican and Golden Lane Estate CA.
 - the extent to which the appellant has considered guidelines on non-ionising radiation protection in its proposed siting of the telecommunications equipment.

Reasons

Listed building

10. The Barbican was listed Grade II in 2001 and comprises a housing estate and other mixed uses. The buildings are of reinforced concrete construction designed between 1955 and 1982 by Chamberlain, Powell and Bon for the Corporation of the City of London. It is a unique example of coherent inner city planning in the post-war era, successfully combining a wide variety of uses across a large estate of dense but high-quality housing including high walks and urban gardens. The Barbican embodies the Brutalist movement and includes striking architectural features which contribute to the heritage significance of the wider complex. The registered parks and gardens at the Barbican are listed Grade II*.
11. There are three residential tower blocks including the host building, the Cromwell Tower. The special interest of the tower blocks specifically is that they provide a landmark and unique group composition within the skyline of the City and were once the tallest residential buildings in Europe, their height emphasised by the dominance of their vertical over the horizontal structures within the estate. The Cromwell Tower makes an important and positive contribution to the significance of the overall Barbican estate.
12. The Cromwell Tower is 43 storeys high and is irregularly shaped with a number of parapets terminating at different levels between projecting service shafts. At the top is a structure housing the lift winding gear and other plant, surrounded by rails. There is a range of existing telecommunications equipment to the roof.
13. The proposed rooftop mounted antennae would be located to the centre of the highest point of the building, the lift shaft structure, within the existing handrailed area. The telecommunications equipment would be housed within a glass reinforced plastic (GRP) shrouding. The elevation drawings indicate that the

existing highest point of the tower block is 123 metres, which would increase to 126.2 metres following the proposed works.

14. I have had regard to the Barbican Estate Listed Building Management Guidelines (2012) (LBMG). The LBMG is a detailed document specific to the Barbican Estate and provides compelling information relating to the special interest of the individual buildings including the towers, together with best practice and guidance when considering alterations to them. In reference to rooftop extensions the LBMG notes that additions to the roofs which would affect the architectural integrity of the elevations, rooflines and/ or the silhouette of the blocks are likely to be refused (3.1.5.6). It states that any proposals to change or alter the height and profile of the tower blocks should consider the potential effect on the highly distinctive silhouette of the block (3.1.5.7).
15. The height and bulk of the GRP shrouded works would be of such a scale that they would be prominent both from the roof itself and the surrounding area. The location of the works, central to the existing highest point of the building, would increase its height and alter its profile and silhouette which is highly distinctive. This would result in harm to its special interest.
16. Existing telecommunications equipment is located to the lower levels of the roof, around the lift shaft and handrails. I note that permission was granted for equipment in 2010. However, this relates to much less extensive numbers of antennae, and the equipment is smaller in scale, slender in design and lightweight in form. It essentially does not increase the height of the building, so is far less noticeable from a number of viewpoints. The current scheme bears few similarities to those works. The appellant has also included reference to a number of decisions relating to telecommunications equipment on other tall and listed buildings in the area. Whilst the full details are not before me, from the summaries provided those proposals appear to relate to much less extensive apparatus, in any case I have determined the appeals on their own merits.
17. I acknowledge that the external appearance of the GRP could be conditioned, in terms of its colour and texture. Nonetheless, it is doubtful that it could emulate the existing pick hammered concrete which is integral to the special interest of the building. The introduction of a new and modern material against the concrete structure, in a prominent location, would be at odds with the special interest of the existing building and the others within the Barbican Estate.
18. The appellant has suggested that the proposal would not result in harm given the height of the building and limited views of the works from ground level, reducing its prominence from the public domain. I consider wider views of the works and effects on the CA and wider area in the next section. In terms of its effects on the significance of the Barbican alone I find that the works would fail to preserve the special interest of the listed building, and I give this harm considerable importance and weight in the planning balance later in this decision.
19. I have also considered the setting of other heritage assets in the area, whilst bearing in mind that the Barbican is listed as a whole complex of buildings. Paragraph 129 of the officer report provides a non-exhaustive list of those other assets considered, both listed buildings and CAs. I would agree with the Council that, considering the nature and extent of development, harm would not arise to the

significance or setting of those identified heritage assets. This includes the Grade II* registered park and garden of the Barbican.

Character and appearance of the area

20. The Barbican and Golden Lane CA appraisal (CAA) is a supplementary planning document (SPD) adopted relatively recently in 2022. It repeats some of the content of the LBMG and I concur with its appraisal of the significance of the CA. Notably, it sets out that the towers are perhaps the most distinctive parts of the Estate, advertising its presence on the skyline and providing for the most dramatic architectural set pieces within, the vertical towers colliding satisfyingly with the horizontal slab blocks. It states that their profiles are pleasingly varied and dynamic, and that they are '*the most overwhelming parts of an overwhelming whole*' (pages 24-25 CAA). Section 7 of the CAA lists a number of views which assist in indicating the architectural and spatial complexity of the CA, drawing further on the LBMG which discusses at 1.5.75 significant vistas as listed in appendix A1 of the document.
21. Whilst the Towers are not designated as strategically important in the City of London Local Plan (2015) nor the London Plan (2021), the Protected Views SPD identifies the Barbican Towers as city landmarks and skyline features.
22. The CAA and LBMG, together with the Protected Views SPD, provide a detailed basis on which to appreciate the complexity of the character and appearance of the area and the views in which the estate can be best appreciated. I viewed the appeal site from a number of these viewpoints on my site visit, including those suggested by the Council and those included in the appellant's evidence. I saw that the three towers together form one of the most distinctive parts of the Estate and their rooftops can be seen in dynamic views from a very wide range of locations both within the CA and from further afield beyond the boundary.
23. As noted in the previous section, I have found harm would arise to the distinctive profile and silhouette of Cromwell Tower. The works would not only harm the special interest of the listed building, but also to the character and appearance of the CA. Furthermore, given the height of the building, the effects would prevail beyond the CA as a feature in the City skyline. I would agree with the Council that the proposal would diminish the quality of the established roofscape of the buildings, and one of the key typologies that underpins the masterplan of the architects of the Estate as a whole.
24. I acknowledge that the adverse effects would decrease with distance from the building and its prominence would vary between different and dynamic viewpoints. Nonetheless harm would arise. Consequently, the works would fail to preserve the significance of the CA and I give this harm considerable importance and weight in the planning balance of these appeals.

Heritage and planning balance

25. Paragraph 212 of the NPPF advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale of the works, I find the harm to be less than substantial

in this instance (to both the listed building and CA) but nevertheless of considerable importance and weight.

26. Under such circumstances, paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that the proposal would be beneficial because the appeal scheme would provide new super-fast broadband services for residents and businesses, with the enhanced services being at the forefront of technological advancement for an increasing level of demand for hybrid working and reliance on digital consumption. The appellant also notes that to not future-proof and improve these services within the locality would significantly disadvantage local residents and businesses, which could adversely affect economic growth and public mental health. It states that the appeal site offers the only suitable solution for the new apparatus given that its sole intention is to service the residents of Cromwell Tower.
27. I acknowledge the benefits associated with improved digital communications networks as outlined by the appellant, and in the context of chapter 10 of the NPPF. Nonetheless, the benefits have not been quantified, and many of the third party submissions (including numerous residents of Cromwell Tower) suggest it is not required. I have had regard to paragraph 123 of the NPPF, however there is insufficient evidence before me to indicate that the existing broadband services(s) are inadequate and as such I am not satisfied that the public benefits could sufficiently override the harm I have identified.
28. Given the above and in the absence of any significant and substantiated public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Cromwell Tower as part of the Grade II listed Barbican Estate and the character or appearance of the Barbican and Golden Lane CA. This would fail to satisfy the requirements of the Act, paragraph 210 of the NPPF and conflict with the London Plan (2021) policy HC1 and the City of London Local Plan (2015) policies CS 12, CS 13, DM 12.1, and DM 12.3. These policies seek, among other things, to ensure that the significance of heritage assets and their settings, and views of historic City landmarks and skyline features, are preserved or enhanced.
29. As a result the proposal would not be in accordance with the development plan.

Radiation protection

30. Paragraph 122 of the NPPF requires applications for electronic communications to be supported by the necessary evidence to justify the proposed development, including the outcome of consultations with organisations with an interest in the proposed development (in particular with the relevant body where a mast is to be installed near a school or college), and a statement which self-certifies that International Commission guidelines will be met (International Commission on Non-Ionizing Radiation Protection guidelines on limiting exposure to electromagnetic fields 2020).
31. The Council's case indicates that there are three schools near to Cromwell Tower and there is a lack of evidence of consultation with those schools. The appellant's statement (paragraph 27) confirms that it did not consider such pre-application consultation to be necessary in view of the distances from the schools and the height of the building, as well as the type of communications proposed (a broadband service not a mobile network).

32. The wording '*organisations with an interest in the proposed development*' and '*near a school or college*' is open to interpretation. I am unable to find any evidence of a distance within which such organisations should be consulted, and the parties disagree whether the schools are near the proposed installation. The height of the tower block, stated to be 123 metres, is also of relevance given that it increases the distance from the schools.
33. Nonetheless, Part a) of NPPF paragraph 122 is unambiguous in that stipulates that the application should include the outcome of consultations, and this has not been provided.
34. The application included documents including 'Overview of Luminet Technology and Health and Safety Statement' (November 2023) and a statement that all equipment conforms with International Commission guidelines and a 'Declaration of conformity for RF exposure' (July 2018). I would agree with the Council that it is unclear whether the latter document directly applies to the specific development and site, so it could not be accepted as a self-certification. No further information on this particular document has been supplied by the appellant in their appeal submission.
35. The appellant's contention that they are a broadband service provider not a mobile network operator is not determinative, as when reading section 10 'Supporting high quality communications' of the NPPF as a whole it is clear that the policies and guidance, including paragraph 122, are applicable to a range of communications.
36. Notwithstanding that there is a lack of technical evidence before me to refute the appellant's statement, given the ambiguity I am not satisfied that NPPF paragraph 122 has been adequately complied with.

Other Matters

37. The representations and the habitat conditions of the site indicate that there is a reasonable likelihood of peregrine falcons being present to the roof of the tower block and being affected by the development. The species is protected by the Wildlife and Countryside Act 1981. I am obliged to consider the presence of protected species and the extent to which they may be affected by the proposed development before planning permission is granted (circular 06/2005, paragraph 99). In the absence of a survey I cannot determine whether the proposal would have an adverse effect on this protected species and, if so, whether such an adverse effect could be overcome by any proposed mitigation measures. I am also mindful that pre-commencement conditions to require such surveys should only be used in exceptional circumstances. Given that I am dismissing the appeals on other grounds I have not pursued this matter, but note that there is a potential need for further investigation in the event of another application being submitted.

Conclusion

38. For the reasons given above the appeals should be dismissed.

S Hunt

INSPECTOR