
Appeal Decision

Site visit made on 19 November 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/X5210/W/25/3373469

Land to the south of East Heath Road, West Hampstead, London NW3 1DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Shared Access Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2025/2545/P.
 - The development proposed is installation of a 13m high monopole telecommunications mast, painted black (RAL 9005).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on that basis.
3. The Council has referred to Policies D1 and D2 of the Camden Local Plan (2017) (the CLP) and Policies DH1, DH2 and DH5 of the Hampstead Neighbourhood Plan 2025-2040 (the HNP) in its decision notice. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Hampstead Conservation Area (the CA), its effect on the setting of the adjacent Grade II listed 'Boundary Wall, Piers and Southern Gate, Heath Street', 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

5. The appeal site comprises a wide area of pavement situated in a highly prominent location, close to the busy junction of East Heath Road, Heath Street and West Heath Road. The site is within the CA, with listed buildings in the wider area, including the listed boundary wall, piers and gate to the east, enclosing the Queen Mary's House hospital. The site is situated towards the edge of the urban area where Heath Street and other roads lead to the more open spaces around Hampstead Heath. The surrounding area features street lights, traffic lights, a flagstaff and other telecommunication poles some distance further north on Heath Street and Spaniards Road, therefore vertical structures are common in the street scene and the wider area. A parking area for e-scooter and cycle hire is also within the wide pavement close to the site, whilst trees and seating contribute to the enjoyment of this part of the public realm.
6. The overall significance of the CA is derived from its architectural and historic interest, including the variety of spaces, quality of buildings, relationship between areas and the contrast between the urban area and the spaciousness of the outer areas. The site is within the Whitestone Pond character area as identified in the Camden Conservation Area Statement – Hampstead (2002). It contributes to the significance of the CA through its prominent location within the expansive area and broad pavement forming part of the distinctive public realm in the transition from the built-up form to the more open areas beyond the village. The site is also part of the wide vista looking south from Whitestone Pond past the St Mary's site down Heath Street, identified as a key view within the HNP and forming a visual 'gate' to the village.
7. The significance of the listed boundary wall, piers and southern gate as a heritage asset is derived in part from its historic interest. The Council does not find harm to the setting of the piers and southern gate associated with the wall, and I have no reason to disagree. The setting of the wall is primarily experienced from the building it encloses and the public realm in the immediate area, including the pavement along its length. This is particularly notable in the narrower sections of pavement on Heath Street where it provides a greater sense of enclosure in comparison to the wider area close to the appeal site. In this location, whilst there is intervisibility with the site, the wall is not immediately adjacent to it and is seen alongside other street furniture that indicates the evolution of this area with more modern development. In this context, I find that the site makes a neutral contribution to the significance of the wall as a whole.
8. The proposal would introduce a large monopole into the street scene in comparison to existing structures close to the site and in the vicinity. Although street lighting provides relatively tall, vertical features at regular intervals, these have slim profiles with bespoke decorative detailing prevalent in those on Heath Street either side of the junction. In contrast, the monopole would be considerably taller than other structures, with a thicker profile, particularly to its base podium, which itself would be taller than the nearby traffic lights, resulting in an overall bulkier appearance. The proposal would use a slimmer design in comparison to other available telecommunications infrastructure, integrated equipment avoiding ancillary ground cabinets, as well as a black finish to match other street furniture and structures.

9. However, despite that, the monopole would appear as a prominent and visually intrusive feature that would dominate the public realm in this area, which would be at odds with the established character of the area. Whilst there are trees within the surrounding area that would limit some views towards the site and provide a backdrop, albeit not at all times of the year, due to the siting and appearance of the monopole in relation to these, they would not adequately mitigate the visual effects, particularly in open views around the road junction. The wide and open expanse of the public realm at the site would also accentuate the adverse visual impact.
10. Consequently, the development would introduce a discordant form of development in this location with a detrimental impact on the character and appearance of the area, and the contribution the site makes to the significance of the CA would be diminished. The development would therefore fail to preserve or enhance the character or appearance of the CA, and it would harm its significance. It is common ground between the parties that the proposal would result in less than substantial harm to the significance of the CA, and that the level of harm would be at the lower end of the scale in that respect. As the change would be localised within the CA, from the evidence before me and my observations on site, I have no reason to disagree with that assessment.
11. Due to its position within the wide pavement and distance from the listed wall, as well as the presence of other modern installations in the immediate vicinity, the monopole would preserve its setting and would not harm its significance.
12. Regardless of the level of harm to the CA, paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal. I will return to these benefits later.

Alternative sites

13. Paragraph 120 of the Framework states that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. Given my findings above, whether other options are available is an important consideration. Paragraph 122 of the Framework states that applications should be supported by the necessary evidence to justify the proposed development, including for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
14. The appellant's cell search area is relatively constrained in size, and alternative options are predominantly focused along East Heath Road, which have been considered and discounted. Reasons for discounting options include the width of pavements, proximity to underground services, driver visibility and location outside of the search area. The Council acknowledge that a sufficient number and range of sites were explored and that sufficient justification has been provided for the proposed location. In addition, they note there is adequate justification to explain why mast and site sharing and locating on existing buildings were discounted. However, third party comments have also been received raising concerns as to whether all less harmful options have been fully explored. Nevertheless, I am

satisfied that the search area is appropriate and reasonable based upon the submitted evidence.

15. Notwithstanding this, the evidence before me does not clearly demonstrate whether or not the roof of the apartment building at Bell Moor would be suitable to accommodate any necessary equipment. Whilst I observed sloping roofs in views from street level, aerial images within the evidence indicate other roof forms to the building. Therefore, whilst other impacts on this building would need to be assessed in terms of siting and appearance, I cannot be sure whether or not other parts of the roof could potentially accommodate antennas. Furthermore, option D07, which is close to existing tree planting that could assist in mitigating any visual impact, has been discounted on the grounds of insufficient space on the pavement, as well as reference to the selected location being on the more urbanised side of the junction. Despite other street furniture in that area, I have no compelling evidence to demonstrate that location could not adequately accommodate the development without unacceptable impacts. I also observed that other telecommunications equipment referenced in the evidence is situated in a less urbanised location in comparison to the appeal site.
16. Without prejudice to any further detailed assessment of siting and appearance in alternative locations, I cannot accurately determine whether the reasons for discounting these other sites are robust, as the reasons given for discounting them are relatively brief and unsupported by other evidence. Therefore, I am not satisfied that the requirements of paragraphs 120 and 122 of the Framework have been met, or that there is compelling evidence that there are a lack of alternatives to meet the identified need.

Public benefits

17. Paragraph 119 of the Framework states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. It also states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.
18. The proposal would provide enhanced 4G and new 5G coverage within the identified geographic area as part of a wider network and other proposed telecommunications infrastructure. From the information before me, the Council does not dispute that there is a need to improve the network coverage in this area, and I have no reason to disagree. The proposal would therefore contribute towards the Framework's objective of supporting high quality communications infrastructure. I accept that there would be economic and social benefits of the proposal, and therefore I attach significant weight to these public benefits.
19. As set out at paragraph 202 of the Framework, heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Consequently, although the government aims to facilitate the growth of new telecommunications systems and digital technologies, it also places great weight on the conservation of designated heritage assets.
20. From the information before me, there is limited clear and persuasive evidence to demonstrate that the appeal site represents the only viable option. Therefore, notwithstanding the need to upgrade the network and assist the government's

aspirations, the less than substantial harm that would arise from the siting and appearance of the proposed development would not be outweighed by the associated public benefits and the overall need in this location.

21. Therefore, the siting and appearance of the proposal would have an unduly harmful effect on the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA. The identified harm would not be outweighed by the need for the installation to be sited as proposed, and taking into account any suitable alternatives. Accordingly, the need for the installation to be sited as proposed, taking into account any suitable alternatives, does not provide a clear and convincing justification for the harm which would arise as a result of the siting and appearance of the development.
22. Insofar as they are a material consideration, the proposal would also be contrary to Policies D1 and D2 of the CLP and Policies DH1, DH2 and DH5 of the HNP. Amongst other things, these policies aim for development to secure high quality design that respects local context and character, contribute positively to the distinctiveness and history of character areas, and preserve or, where possible, enhance the character or appearance of conservation areas.

Other Matters

23. The Council's delegated report identifies other listed buildings in the locality in addition to the boundary wall, which include Gang Moor and 'K6 telephone kiosks'. From the evidence before me and my observations on site, having regard to its siting and appearance in relation to these, I agree with both parties that the proposal would not harm the setting of Gang Moor or the telephone kiosks.
24. 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.

Conclusion

25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR