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## Appeal Decisions

Site visit made on 7 September 2015

**by Bridget M Campbell BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29 September 2015**

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**Appeal Ref: APP/X5210/W/15/3035627**

**Academic House, 24-28 Oval Road, London NW1 7DJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Vodafone Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref 2014/6766/P was refused by notice dated 20 March 2015.
  - The development proposed is the installation of 6 no. antennas, 2 no. microwave dishes and 6 no. equipment cabinets with GRP screens/shrouds and associated ancillary development.
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**Appeal Ref: APP/X5210/Y/15/3035630**

**Academic House, 24-28 Oval Road, London NW1 7DJ**

- The appeal is made under section of the planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Vodafone Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref 2014/7509/L was refused by notice dated 20 March 2015.
  - The works proposed are the installation of 6 no. antennas, 2 no. microwave dishes and 6 no. equipment cabinets with GRP screens/shrouds and associated ancillary development.
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### Formal Decisions

1. The appeals are dismissed.

### Main Issue

2. The appeal property, dating from 1937, is a substantial building of 7 storeys occupying a corner site at the junction of Oval Road and Jamestown Road. It is grade II listed and is situated within the Regent's Canal Conservation Area. Having regard to the statutory requirements of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the main issue in this case is whether the proposed installation would preserve the special interest of the building and whether it would preserve or enhance the character and appearance of the Regent's Canal Conservation Area.

### Reasons

3. The building has 6 bays to Oval Road and 7 bays to the slightly concave Jamestown Road façade. Adopting the Modern International style, it has a recessed entrance to the left side of the Oval Road frontage with a full height projecting square sided bay window above with floor to ceiling glazing. The

other windows on the building form horizontal strips, with teak two light frames separated by vertical mullions. To Jamestown Road the sixth floor is recessed to incorporate a loggia with cast iron railings. There is a projecting cornice above the sixth floor on both frontages with protective railings around the edge of the flat roof. With the exception of the feature projecting bay, the simple elements and plain white finish of the building above ground floor combine to give the building a strong horizontal emphasis. The overall effect is one of uncluttered simplicity and balance.

4. The conservation area is, as its name suggests, focussed on the Regent's Canal which forms part of the Grand Union Canal. It is thus of a linear shape and incorporates waterside buildings. The historic industrial use of the canal is discernible from the style of buildings and enclosed nature of the canal as it winds through the urban area although it has adapted well to a change of emphasis towards leisure use. The appeal building was formerly part of an extensive site operated by Gilbey's as wine importers and as a gin distillery.
5. The proposed telecommunications equipment would be installed on the flat roof of the appeal building. Whilst there is already a large amount of existing apparatus located on the roof, very little of this is visible from the ground, even in distant views, as it is predominantly low level equipment and situated back from the Oval Road and Jamestown Road facades. That which can be seen, for example the goods lift motor room, does not rise above the building to a significant degree and so, although visible from the ground, it has a limited impact on the straight, clean lines of the building.
6. The proposed antennas would be mounted on the goods lift motor room and screened on all four sides by a GRP shroud with access door served by a hooped access ladder with steel landing. The existing rectangular structure incorporating the motor room with the proposed shroud above would rise some 5.7m above the flat roof of the building, an increase of some 2.7m (almost double) over that existing. This box like structure with a distinct vertical emphasis would be extremely prominent from some ground level public vantage points, for example in long views in a northerly direction along Oval Road. This is clearly illustrated in the photomontages supplied by the Appellant. The vertical projection would have no regard for the balanced proportions of the building with its undecorated functional form. It would be a jarring and conspicuous feature adding clutter to the roof, and would detract from the simple, clean and strong lines of the building.
7. The 6 equipment cabinets would be sited forward of other existing rooftop apparatus but behind the feature projecting bay on the Oval Road frontage. They would be enclosed by a 2m high screen painted white to match the existing building. Although it is suggested by the Appellant that this part of the installation would not be seen from the ground, I found that that would not be so and that it would be seen in distant views along Oval Road and from Gilbeys Yard. It would add to visual clutter at roof level which would be a retrograde step but, because of its limited height, it would not be as intrusive or as incongruous as the GPR shroud above the goods lift motor room.
8. It is appreciated that care has been taken with the design in an attempt to reduce the impact by the use of plain white finished screens. Nonetheless for the reasons given, the visual intrusion arising from the proposed installation would fail to preserve the special interest of the listed building and, in so doing,

the positive contribution that the building currently makes to the Regent's Canal Conservation Area would be eroded such that the character and appearance of that area would also be damaged.

9. Both the building and conservation area are designated heritage assets and I attach considerable importance and weight to the harm arising, given the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.<sup>1</sup> The proposal would conflict with policies of the Development Plan aimed at securing high quality design and conserving Camden's heritage, in particular Core Strategy policy CS14 and Development Policies DP24 and DP25.
10. In terms of the National Planning Policy Framework (NPPF), the harm to the designated heritage assets would be less than substantial. That being the case, paragraph 134 advises that the harm should be weighed against the public benefits of the proposal, including securing optimal viable use.
11. In this respect the operators' licence agreements stipulate that both coverage and capacity for customers must be provided. The technical need for a base station for Vodafone and Telefonica is not disputed and the benefits of sharing a site are recognised. A sequential approach to site selection has been undertaken in this case in an area dominated by the conservation area and accommodating many listed buildings. Identifying a suitable location which would meet the operators' technical requirements and would be acceptable both in planning terms and to the relevant landowner is clearly challenging. No other alternative has been identified nor any suggested by the Council.
12. The importance of high quality communications infrastructure and support for it is to be found both in national and local planning policy<sup>2</sup> and mast sharing solutions are promoted. The social and economic benefits that would result from this proposal weigh in favour of the installation. However, the need for the base station and the benefits it would bring have to be balanced against the impact of the apparatus and associated screening on the urban environment. In this case, I find the damage to the listed building and conservation area, in particular arising from the GRP shroud around the antennas, would be severe and would not be outweighed by the public benefits of the proposal.
13. Taking all other matters raised in the written representations into account I conclude that neither planning permission nor listed building consent should be granted.

*Bridget Campbell*

Inspector

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<sup>1</sup> Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>2</sup> National Planning Policy Framework – paras.42-46 & Core Strategy CS5(b)