

Date: 14/07/2017
Your ref: APP/X5210/W/17/3174680
Our ref: 2016/4803/P
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**Town and Country Planning Acts 1990 (as amended)
Planning Appeal
Appellant: CTIL and Telefonica UK Ltd
Site: Troyes House, Lawn Road, London, NW3 2XT**

This letter is written in relation to the above appeal against Council's refusal of planning permission at this site for the installation of 6no antennas behind a glass reinforced plastic (GRP) screen with ancillary works.

The planning officer's report on this application should be used as the main statement of case. However, the Council would be grateful if the inspector would consider the contents of this letter, which is broken down into the following sections:

- **Summary of the case:** This section sets out a short summary of the Council's refusal. The reasons why the Council felt that this development would harm the character of the conservation area and is not be in accordance with the development plan.
- **Relevant planning policy:** The Council has adopted a new development since the refusal of this application. This section sets out the relevant policies of the new Camden Local Plan (2017) and other relevant policies.
- **Council's case:** This section provides more detail on why the Council feels that this development is not the right development for this site.
- **Response to appellant's statement of case:** The appellant has submitted a long appeal statement on this application. This section summarises the appellant's main points and the Council's response.
- **Conditions:** This section recommends planning conditions should the appeal be allowed as set out in the appeal guidance.

1.0 Summary of the Case

- 1.1 The appeal site is Troyes House, which is a 4-storey block of flats located at the junction of Lawn Road and Upper Park Road in Belsize Park. The site is located within the Parkhill Conservation Area.
- 1.2 The proposed development is for the installation of 6no. antennas behind a glass reinforced plastic (GRP) screen on the roof of the building.
- 1.3 The Council assessed this application against the policies of the development plan and other material considerations in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. This assessment is set out in the Council's planning officer's report (appendix 1) which should also please be used as the Council's main statement of case on this appeal.
- 1.4 The application was refused on the 31st October 2016 for the following reasons:

The proposed telecommunications antennas and GRP screening structure by virtue of its inappropriate siting, its excessive scale and bulk and unsympathetic functional design, would result in a highly visually prominent and incongruous development which would harm the visual appearance and character of the streetscene, particularly the designated views along Lawn Road and would fail to preserve or enhance the character and appearance of the conservation area, contrary to policy CS14 of the Camden Core Strategy, policies DP24 and DP25 of the Camden Development Policies, policies 7.4 and 7.8 of the London Plan and paragraphs 56- 68 and 126-141 of the National Planning Policy Framework.

- 1.5 Please find further detail on the Council's case and a response to the appellant's grounds of appeal in section 3.

2.0 Planning Policies and Guidance

2.1 The Council has adopted a replacement development plan since this application was determined on the on the 31st October 2016. The new Local Plan was adopted by Council on 3rd July 2017 and has replaced the Core Strategy (2010) and Camden Development Policies (2010) documents as the basis for planning decisions and future development in the borough.

2.2 The following table sets out the which policies in the new Local Plan (2017) replace the Core Strategy/Development Policies (2010) referred to in the reason for refusal on this application:

Core Strategy Policy CS14 (Promoting high quality places and conserving our heritage).	Replaced by	Local Plan Policy D1 (Design).
Development Policy DP24 (Securing high quality design).		
Development Policy DP25 (Conserving Camden's heritage).		Local Plan Policy D2 (Heritage).

2.3 The full updated list of relevant policies for this application is set out below.

The London Plan 2016
The National Planning Policy Framework 2012

Camden Local Plan 2017
D1 Design
D2 Heritage

Camden Planning Guidance (CPG) 1 Design

Camden Parkhill and Upper Park Conservation Area Appraisal and Management Strategy (2011)

2.4 The relevant sections of Camden Local Plan (2017) Policies D1 and D2 are summarised below.

2.5 Local Plan Policy D1 (Design) (which has superseded former policies CS14 and DP24) states that the Council will seek to secure high quality design in development. The Council will require that development respects local context and character; preserves or enhances the historic environment and heritage assets and comprises details and materials that are of high quality and complement the local character. This policy also states that the Council expects excellence in architecture and design

2.6 The supporting text to policy D1 at paragraph 7.2 (Local context and character) states that the Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- The Character, setting, context and the form and scale of neighbouring buildings;
- The character and proportions of the existing building, where alterations and extensions are proposed;
- The prevailing pattern, density and scale of surrounding development;
- The impact on existing rhythms, symmetries and uniformities in the townscape;
- The composition of elevations;
- The suitability of the proposed design to its intended use;
- Inclusive design and accessibility;
- Its contribution to public realm and its impact on views and vistas; and
- The wider historic environment and buildings, spaces and features of local historic value.

2.7 The supporting text to policy D1 at paragraph 7.4 states that good design takes account of its surroundings and preserves what is distinctive and valued about the local area. Careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development, which integrates into its surroundings.

2.8 The supporting text to policy D1 at paragraph 7.5 states that design should respond creatively to its site and its context including the pattern of built form and urban grain, open spaces, gardens and streets in the surrounding area. Where townscape is

particularly uniform attention should be paid to responding closely to the prevailing scale, form and proportions and materials.

2.9 Policy D2 (Heritage) (which has superseded policy DP25) states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. This policy goes on to state that the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

2.10 Policy D2 also states that in order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas. The Council will require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.

2.11 The supporting text to policy D2 at paragraph 7.46 states that in order to preserve or enhance important elements of local character, we need to recognise and understand the factors that create that character. The Council has prepared a series of conservation area statements, appraisals and management plans that assess and analyse the character and appearance of each of our conservation areas and set out how we consider they can be preserved or enhanced. We will take these into account when assessing planning applications for development in conservation areas. We will seek to manage change in a way that retains the distinctive characters of our conservation areas and will expect new development to contribute positively to this. The Council will therefore only grant planning permission for development in Camden's conservation areas that preserves or enhances the special character or appearance of the area.

2.12 The supporting text to policy D2 at paragraph 7.47 states that the character of conservation areas derive from the combination of a number of factors, including scale, density, pattern of development, landscape, topography, open space, materials, architectural detailing and uses. These elements should be identified and responded to in the design of new development. Design and Access Statements should include an assessment of local context and character and set out how the development has been informed by it and responds to it.

2.13 The London Plan (2016) is also a part of the development plan. However, the Local Plan (2017) is the most up-to-date development plan policy document in the assessment of this application. The Council's reason for refusal refers to London Plan Policies 7.4 (Local character) and 7.8 (Heritage assets and archaeology).

2.14 London Plan Policy 7.4 (Local Character). This policy states that development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings and is informed by the surrounding historic environment.

2.15 London Plan Policy 7.8 (Heritage assets and archaeology) states that development should identify value, conserve, restore, re-use and incorporate heritage assets, where

appropriate. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

2.16 The Camden Parkhill and Upper Park Conservation Area Appraisal and Management Strategy (2011) is an important material consideration on this application. This sets out an appraisal of the character of this conservation area and policy and guidance for development in the area. The Conservation Area Statement (CAS) identifies the Troyes house site within the Lawn Road/Upper Park Road residential area and states that the post 1945 flats on the site replaced previous war damage. Troyes House is identified as a neutral contributor to the area. It identifies the long views along the curved residential street of Lawn Road as a key view within the Conservation Area. This also states that the capacity for new development is limited and the roofscape of buildings is an important characteristic of the conservation area, with examples of unsympathetic alterations given as box-shaped additions. The appraisal also states that particular care is needed in roof alterations where roofs are prominent in long distance views and raising the roof ridge or dormer windows on the front of roofs are unlikely to be acceptable.

2.17 The Council's reason for refusal refers to paragraphs 56- 68 (Requiring Good Design) and 126-141 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2012).

2.18 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 58 of the NPPF states that development should respond to local character and history, and reflect the identity of local surroundings and materials and are visually attractive as a result of good architecture.

2.19 Paragraphs 128 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

2.20 Paragraph 129 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

2.21 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

2.22 Paragraph 132 of the NPPF 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification

2.23 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

3.0 Council's Case

3.1 As set out in the planning inspectorates appeal guidance this section sets out a succinct statement supporting the reasons why the Council opposed the development.

3.2 This planning application was subject to public consultation in accordance with statutory requirements. A site notice was erected at the site between the 14/09/2016 – 05/10/2016 and a press notice was advertised between the 15/09/2016 – 06/10/2016. A significant number of objects were received from local residents including: 162 objection letters, an objection petition signed by 221 local residents and objections from the local Conservation Area Advisory Committee and Troyes House Residents Group. A summary of the objections is in the planning officer's report at appendix 1.

3.3 The telecommunications development would be sited on the existing stair over-run, which is located in a set back position on the roof of the northern part of the building facing Lawn Road. The stair overrun is a brick structure, which projects 2.5 m above the roof. It is part of the Council's case that the existing stair overrun is already visible from the western pavement on Lawn Road and from vantage points to the north along Lawn Road (see photos below).



Photo 1 - View from western side of Lawn Road



Photo 2 - Medium distance view north along Lawn Road.



Photo 3 – Long distance view from the north on Lawn Road

3.4 The telecommunications development would be sited on the stair overrun with a height of 1.7 m and would be a triangular structure with a length of 2.7 m and width of 2.4 m. This development would be formed of 6 antennas sited behind a glass reinforced plastic screen

Visual Impact/Harm of Development

3.5 It is the Council's case that this development would be a highly prominent addition to the building due to the siting on the stair overrun and the height, scale and design of the structure. The structure would be visible from the western side of Lawn Road opposite the site and would be highly visible and visually intrusive when viewed from medium and long distance views along Lawn Road. The proposed development would also be highly visible and visually intrusive for some considerable distance along Lawn Road; in fact, the structure would be highly visible and visually incongruous when viewed from (eastern pavement or central carriageway) at the junction with Downside Crescent (150m along Lawn Road) and would still be visible 50-80 m further up Lawn Road.

3.6 It is the Council's Case that Troyes House is a 4-storey building which is roughly equivalent in height to the 4 storey villas along Lawn Rd and the development would be sited on the already highly prominent overrun element, and would further increase the prominence and impact of the proposed rooftop development. The importance of the long distance views along Lawn Road are identified in the Conservation Area Statement and the development would result in harm to these views and to the conservation area. The proposed antennas and screening structure would also be highly visible and visually incongruous from the rear car park and junction with Upper Park Road

3.7 It is the Council's Case that GRP is a functional and industrial material, which would not harmonise with this building or conservation area.

3.8 It is also a part of the Council's Case that we do not agree with the developer who has stated that the public benefits of the development would outweigh any harm caused. The development would result in harm and although there would be some public benefits (from enhanced coverage; albeit from a largely already good service) this would be modest and would not outweigh the impact on the character and appearance of the conservation area.

3.9 The Council assessed this application against the development plan and other material considerations in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.

3.10 The proposed telecommunications antennas by virtue of its inappropriate siting, its excessive scale and bulk and unsympathetic functional design, would result in a highly visually prominent and incongruous development which would harm the visual appearance and character of the streetscene, particularly the designated views along Lawn Road and would fail to preserve or enhance the character and appearance of the conservation area contrary to policy CS14 of the Camden Core Strategy, policies DP24 and DP25 of the Camden Development Policies, policies 7.4 and 7.8 of the London Plan and paragraphs 56- 68 and 126-141 of the National Planning Policy Framework.

4.0 Response to Appellants Grounds of Appeal.

4.1 The appellant has submitted a lengthy statement of case on this appeal. The Council's response to the relevant paragraphs is set out in the following table in order to be as clear and concise as possible.

Paragraph	Summary of Appellants Points	Council's Response
1.7	<ul style="list-style-type: none"> ▪ Refers to demand for telecommunications coverage is high in this location close to The Royal Free Hospital. 	<ul style="list-style-type: none"> ▪ The Council has not refused the application on the failure to demonstrate demand. ▪ The hospital is served by separate masts at that location.
2.5	<ul style="list-style-type: none"> ▪ Refers to the planning officer's report being deficient and unbalanced and giving an incorrect size for the antenna screen (which should be 3.3m x 2.6m x 1.8m) 	<ul style="list-style-type: none"> ▪ The planning officer's report is adequately balanced. The assessment considers but does not raise issues in relation to the NPPF requirements (impact on local schools, health, and use of existing masts) and the amenity impact and transport. The design assessment considers the relevant development plan policies and local context and concludes that the antenna development would harm the conservation area. ▪ The dimensions given in paragraph 2.5 the planning

		<p>officer's report are correct based on our measurements of the plans submitted.</p> <ul style="list-style-type: none"> No side or rear elevation plans were submitted and the Council determined the shape of the unit from the roof plan submitted.
2.7	<ul style="list-style-type: none"> Refers to the LPA informative which states that further consideration should have been given to the alternative site at Allingham Court is unacceptable. 	<ul style="list-style-type: none"> This is an informative only. It is providing information to the developer. It is not a reason for refusal. The Council did not refuse the application on the grounds of the failure to consider alternative sites.
2.8	<ul style="list-style-type: none"> States that LPA issues with the applicant's consideration of alternative sites should be raised prior to determination. 	
3.2	<ul style="list-style-type: none"> Refers to a revised design for the antenna enclosure which has been submitted that replicates the footprint of the existing plant room (shown on new drawings 200 and 301 Issue B submitted with this appeal). There is no reason why the inspector should not consider this minor non-material amendment. 	<ul style="list-style-type: none"> The revised design shows a larger enclosure which would result in more harm to the conservation area. Accepting revised plans at this stage may prejudice local residents.

4.6 -4.8	<ul style="list-style-type: none"> ▪ Refers to the fact that the plantroom can only be seen from along the private access road to the rear and long distance views along Lawn Road. ▪ Refers to the photomontages included with the submitted application and appeal and the fact that the bespoke GRP screening, colour coded to Troyes House and designed to resemble the chimneys on the adjoining houses, will have a wholly acceptable and trivial visual impact in the street-scene from publicly accessible locations. 	<ul style="list-style-type: none"> ▪ These photomontage view show that the antenna enclosure would be visible from the opposite side of Lawn Road and in medium and long distance views along Lawn Road. ▪ The roofline of the building relates well to the Victorian villas on Lawn Road. ▪ Troyes House is a post-war building and chimneys would be an alien feature on this building. ▪ The plant room already projects above the roof of the building. The proposed antenna enclosure would be sited on top of this and would be highly visible and visually intrusive when viewed from medium and long distance views along Lawn Road. These views are considered important in the Conservation Area Statement (CAS)
4.9-4.14	<ul style="list-style-type: none"> ▪ Refers to there being no entitlement to a view across third party land. This only becomes an issue if the view of the development becomes overbearing. 	<ul style="list-style-type: none"> ▪ The Council did not refuse due to the impact of the development on private views or the amenity impact. The Council's view is that the development would result in visual harm to the character of the conservation area.
4.15	<ul style="list-style-type: none"> ▪ Refers to the photomontages which the appellant considers shows that the appeal proposal is neither excessive in scale nor bulk, nor of an unsympathetic design. Similarly, it is most certainly neither prominent nor incongruous in the street-scene. 	<ul style="list-style-type: none"> ▪ The appeal proposal would be highly visually prominent and incongruous development which would harm the visual appearance and character of the streetscene, particularly the designated views along Lawn Road and would fail to preserve or enhance the character and appearance of the conservation area.
5.1-5.4	<ul style="list-style-type: none"> ▪ Summarises the previously 	<ul style="list-style-type: none"> ▪ The former approvals are not

	<p>approved applications at the site for doors and windows and satellite dishes and states that the impact of this development is greater than the current appeal scheme.</p> <ul style="list-style-type: none"> States that the Council downplayed the objections to the previously approved satellite dish scheme and has emphasised and exaggerated objections to the appeal scheme. 	<p>directly relevant to the appeal scheme. The windows/doors application proposes minor works to the elevations (apart from a small handrail at roof level). The satellite dishes in the second application were small lightweight structures.</p> <ul style="list-style-type: none"> The appeal development is also considerably more prominent and visually harmful than that these developments. Only one objection was received from the CAAC on the previous satellite dish application. The appeal application received 162 objection letters, an objection petition signed by 221 local residents and objections from the CAAC and Troyes House Residents Group. The Council therefore does not feel that it has acted unreasonably in its design assessment or in its consideration of objections relative to these former applications.
5.5	<ul style="list-style-type: none"> Refers to a former application at Belsize Park Underground Station, which was withdrawn as the landowner, withdrew its support for the development as at Allingham Court. 	<ul style="list-style-type: none"> The Council did not refuse the application because of lack of consideration of alternative sites.
5.7	<ul style="list-style-type: none"> The mast at Allingham Court is operated by EE/3UK and is not available to O2/Vodafone. 	
5.8 -5.9	<ul style="list-style-type: none"> Even if the EE site was available which it is not, there is not requirement for the operated to select the best feasible siting. There are no alternative sites available. 	<ul style="list-style-type: none"> There is no policy which states that the Council must automatically grant permission for a telecommunications development where need and lack of alternative sites have been identified. The Council still have a statutory obligation to balance the need with the design and visual impact of the development.
5.9	<ul style="list-style-type: none"> Refers to the half-height 	<ul style="list-style-type: none"> The appeal proposal because

	antennas being completely hidden from view behind a bespoke, colour-coded GRP screen designed to resemble the chimneys on adjoining properties	of its inappropriate siting and excessive scale would a visually prominent and incongruous development, which would harm the visual appearance and character of the streetscene, particularly the designated views along Lawn Road and would fail to preserve or enhance the character and appearance of the conservation area.
5.10	<ul style="list-style-type: none"> Refers to revised design for the antenna enclosure was discussed with the Council during the application (now shown on drawings 200 and 301 Issue B). 	<ul style="list-style-type: none"> Revised plans were not submitted at the application stage. The revised design shows a larger enclosure which would result in more harm to the conservation area. Accepting revised plans at this stage may prejudice local residents.
5.11 - 5.12	<ul style="list-style-type: none"> Refers to a separate application submitted ref: 2017/2068/P for separate antenna enclosures in different parts of the roof. 	<ul style="list-style-type: none"> This application 2017/2068/P was refused on the 26/05/2017 and is now subject to a separate appeal APP/X5210/W/17/3177809.
5.13	<ul style="list-style-type: none"> Again refers to the development being fully screened from public view and designed to reflect the tall chimneys on the adjoining buildings, or to mimic the existing plantroom as shown in the revised drawings 	<ul style="list-style-type: none"> The appeal proposal because of its inappropriate siting and excessive scale would a visually prominent and incongruous development, which would harm the visual appearance and character of the streetscene, particularly the designated views along Lawn Road and would fail to preserve or enhance the character and appearance of the conservation area.
6.3 – 6.11	<ul style="list-style-type: none"> Refers to compliance with London Plan policy 4.11 (Encouraging a connected economy) and reports: London Infrastructure Delivery Plan 2050 (published 2014) and Raising London's High Speed Connectivity to World Class Levels. The development would improve mobile connectivity for 	<ul style="list-style-type: none"> The Council did not refer to these policies in its reason for refusal and did not refuse the application on these grounds.

	residents and businesses in the area	
6.13-6.15	<ul style="list-style-type: none"> ▪ Explains that the appellant disagrees that Troyes House as a neutral contributor to the conservatory area in the CAS. ▪ Says that Troyes House has the architectural merit of a 1950's telephone exchange and is out of character with buildings on Lawn Road. 	<ul style="list-style-type: none"> ▪ Troyes House does not make the same contribution to the character of the conservation as the Victorian villas on Lawn Road (which are positive contributors). However, the layout, scale and form of the building relates to the adjacent terraces. The building is therefore identified as a neutral contributor, which is a fair assessment. ▪ Telephone exchanges are typically more functional/ industrial type buildings. ▪ Troyes House is a modern post war building. However, its height and roof relates to the roofline of the terraces along Lawn Road. In this context, the proposed rooftop development would be visually harmful.
6.16	<ul style="list-style-type: none"> ▪ Refers to compliance with London Plan Policy 7.4. 	<ul style="list-style-type: none"> ▪ This would fail to comply with London Plan Policy 7.4, which states that development should have regard to the form of an area and the scale of surrounding buildings. It would also not be informed by the surrounding historic environment.
6.17-6.20	<ul style="list-style-type: none"> ▪ Refers to compliance with London Plan policy 7.8. ▪ The appeal proposal does not affect any nearby listed buildings. 	<ul style="list-style-type: none"> ▪ The Council has not raised issues in relation to the impact in listed buildings. ▪ The development is contrary to London Plan Policy 7.8 as the rooftop antennas would impact on the character of the Park Hill Conservation Area and would not be sympathetic to the form, scale, and architectural detail of development in the area.
6.20	<ul style="list-style-type: none"> ▪ Troyes house has an impact on 	<ul style="list-style-type: none"> ▪ Troyes house is identified in

	<p>the conservation area.</p> <ul style="list-style-type: none"> ▪ The antennas would be completely hidden from view. 	<p>the CAS as having a neutral contributor to the conservation area.</p> <ul style="list-style-type: none"> ▪ The developers own photomontage views show that the antenna enclosure would be visible from the opposite side of Lawn Road and in medium and long distance views along Lawn Road.
6.21-22	<ul style="list-style-type: none"> ▪ Refers to the CAS guidance on satellite dishes 	<ul style="list-style-type: none"> ▪ The appeal proposal does not propose satellite dishes and this section of the CAS is not relevant to the appeal application.
6.23	<ul style="list-style-type: none"> ▪ Where there is conflict between the Council's development plan and London Plan, the London Plan takes precedence, as it is the newer policy document. 	<ul style="list-style-type: none"> ▪ There is no conflict between the Core Strategy/ Development Policies and London Plan referred to in the reason for refusal. ▪ The Core Strategy/Development Policies have now been superseded by the Local Plan, which is now the newest policy document and takes precedence over the London Plan.
6.27	<ul style="list-style-type: none"> ▪ Refers to compliance with Core Strategy Policy CS19 	<ul style="list-style-type: none"> ▪ These policies are not referred to in the Council's reason for refusal and have been superseded by Local Plan Policies.
6.28-6.29	<ul style="list-style-type: none"> ▪ Refers to compliance with Core Strategy Policy CS1, CS4, CS5 and CS16. 	

6.31 – 6.32	<ul style="list-style-type: none"> ▪ Refers to compliance with Core Strategy Policy CS14. ▪ The antennas would be located to the rear of the roof and would be completely hidden from public view and would not harm the conservation area. ▪ The development is the minimum amount of development possible to provide the required coverage in the area. 	<ul style="list-style-type: none"> ▪ This policy was referred to in the Council’s reason for refusal but has now been superseded by Local Plan policy D1 (Design). ▪ The developers own photomontage views show that the antenna enclosure would be visible from the opposite side of Lawn Road and in medium and long distance views along Lawn Road. ▪ The development would be contrary to policy D1 as it would not respect the local context and character, would not preserves or enhances the historic environment. ▪ The Council is not disputing that the development is the minimum amount of development possible to provide the required coverage in the area. ▪ The Council’s case is that this specific development results in visual harm to a designated heritage assert being the Parkhill Conservation Area and that this scheme is therefore not a suitably designed development for the site.
6.33-6.34	<ul style="list-style-type: none"> ▪ Refers to compliance with Core Strategy policy CS14 category e (designated views) 	<ul style="list-style-type: none"> ▪ This policy has now been superseded by policy D1. ▪ The development would not influence Local Plan Designated Views, but would impact on the key view along Lawn Road identified in the CAS

6.35- 6.36	<ul style="list-style-type: none"> ▪ Refers to the Council exaggerating the visual impact of the development on the views along Lawn Road, and wrongly linking the scheme to the ugly box dormers that dominate the pitched roofs on some residential properties. ▪ The Conservation Area Statement states that Lawn Road is an exception as the buildings are not homogenous on both sides of the street. 	<ul style="list-style-type: none"> ▪ The development would impact on the key view along Lawn Road identified in the CAS. ▪ The CAS states that the buildings on Lawn Road are not homogenous, but it is still identified as a key view.
6.37	<ul style="list-style-type: none"> ▪ States that the development would not influence long views along Upper Park Road. ▪ In views up and down Lawn Road only the bespoke colour coded shroud would be seen. The photomontages show that the visual impact up and down Lawn Road will be trivial. 	<ul style="list-style-type: none"> ▪ The Council is not making a case that the development would affect long views along Upper Park Road. ▪ The developers own photomontage views show that the antenna enclosure would be visible from the opposite side of Lawn Road and in medium and long distance views along Lawn Road. It is the Council's case that the visual impact of the development would be harmful to the conservation area.
6.40-41	<ul style="list-style-type: none"> ▪ Refers to compliance with Development Policies policy DP24 	<ul style="list-style-type: none"> ▪ This policy has now been superseded by Local Plan policy D1. ▪ The development would be contrary to policy D1 as it would not respect the local context and character and would not preserve or enhance the historic environment.
6.42-6.47	<ul style="list-style-type: none"> ▪ Refers to compliance with Development Policies policy DP25. 	<ul style="list-style-type: none"> ▪ This policy has now been superseded by Local Plan policy D2. ▪ The development would be contrary to policy D2 as it would fail to preserve or enhance the conservation area. The less than harm caused would also not be outweighed by public benefits.

7.1-7.7.40	<ul style="list-style-type: none"> ▪ Refers to compliance with the NPPF in relation to sustainable development, economic benefits and that the public benefits would outweigh any harm caused. ▪ The Council does not have specific policy on telecommunications and has a negative approach to such development. ▪ The appellant gives details of appeals from Exeter where the Council criticised the fact that the developer had not considered alternative sites, which were not available. 	<ul style="list-style-type: none"> ▪ The Council did not refuse the application on the grounds of the failure to demonstrate sustainable development or need. ▪ The development would result in visual harm to a designated heritage asset (The Park Hill Conservation Area). The Council consider that the development would therefore not accord with paragraphs 133 and 134 of the NPPF. ▪ The Council did not refuse the application because of lack of consideration of alternative sites.
7.41-7.49	<ul style="list-style-type: none"> ▪ Refers to compliance with the Code of Best Practice on Mobile Network Development in England (November 2016) 	<ul style="list-style-type: none"> ▪ The Council have not referred to this document it is reason for refusal. ▪ The matters it covers on mast sharing and design are covered in the NPPF.
8.4-8.7	<ul style="list-style-type: none"> ▪ Refers to the need for the development demonstrated by coverage plots and technical assessment. 	<ul style="list-style-type: none"> ▪ The Council does not dispute that there is a need for the development just that this specific proposal for antennas on top of an existing rooftop plant room would be visually prominent and incongruous and would result in harm to the streetscene and conservation area, particularly the identified key views along Lawn Road.
8.8 – 8.23	<ul style="list-style-type: none"> ▪ Refers to the importance of mobile communications. 	
8.26	<ul style="list-style-type: none"> ▪ Refers to the Council's reason for refusal and the inappropriate siting of the development. 	<ul style="list-style-type: none"> ▪ The Council considers the siting on top of the existing projecting rooftop plant room to be inappropriate considering other factors including the scale of development. It would result in a highly prominent and visually incongruous development, which would harm the conservation area.

8.27-8.28	<ul style="list-style-type: none"> ▪ Refers to the Council's reason for refusal and the excessive scale and bulk of the development. 	<ul style="list-style-type: none"> ▪ The Council considers the scale of the development to be excessive sited in this location on top of the existing projecting rooftop plant room. It would result in a highly prominent and visually incongruous development, which would harm the conservation area.
8.29	<ul style="list-style-type: none"> ▪ Refers to the Council's reason for refusal and the inappropriate functional design. 	<ul style="list-style-type: none"> ▪ The Council considers the inappropriate functional design to be out of character with the building and conservation area. It would result in a highly prominent and visually incongruous development which would harm the conservation area.
8.30-8.35	<ul style="list-style-type: none"> ▪ Refers to the inappropriate informative regarding the potential use of an alternative site at Allingham Court Belsize Park which is contrary to submitted appeal decisions in Exeter. ▪ The Council incorrectly interpreted the submitted coverage plots. ▪ There is no evidence that the Council considered the need for the antennas to be clear of surrounding clutter. ▪ It is unacceptable for the LPA to put an informative on its notice advising that further consideration be given to the alternative Allingham House when the owner has stated that he is not interested in accommodating a shared installation with OR/Vodafone. ▪ The visual impact assessment is grossly overstated as shown in the submitted photomontages. 	<ul style="list-style-type: none"> ▪ The Council did not refuse the application because of lack of consideration of alternative sites. ▪ The Council did not refuse the application due to the failure to demonstrate the need for the development. The officer's report accepts that the development would improve the telecoms signal for mobile devices inside buildings in the area. ▪ The appeal proposal would be on top of the roof plant room in visible and prominent location and would therefore be elevated above any possible surrounding clutter. ▪ These photomontage view show that the antenna enclosure would be visible from the opposite side of Lawn Road and in medium and long distance views along Lawn Road. ▪ The Council feels that its assessment was well-balanced considering the NPPF requirements and the development plan

		considerations.
9.3-9.5	<ul style="list-style-type: none"> Refers to the public representations and compliance with ICNIRP guidelines. 	<ul style="list-style-type: none"> The Council did not object to or refuse the application on health grounds.
10.3	<ul style="list-style-type: none"> Concludes that despite the fact there are no alternative sites available, the need for the development has been demonstrated and its trivial or at worst less than substantial visual impact on the conservation area, the council refused planning permission. 	<ul style="list-style-type: none"> The Council did not refuse the application on the grounds of failure to demonstrate need or alternative sites. The Council's case is that the proposed development due to its inappropriate siting and excessive scale would be visible and prominent and would result in harm to the conservation area in particular the key views along Lawn Road identified in the CAS.
10.4	<ul style="list-style-type: none"> Concludes that the Council exaggerates the visual impact of the appeal proposal on heritage assets and Troyes House. States that the Council failed to take account of appeal decisions where the use of GRP screening was acceptable in conservation areas. 	<ul style="list-style-type: none"> The Council feels that its assessment is adequately balanced and not exaggerated. The officer's report considers the matters required by the NPPF in relation to telecommunications (need, health, alternative sites etc.) and considers the relevant design policies and guidance in its assessment of the visual impact of the proposal. No details of the screening or appeal decisions were submitted at the application stage.
10.5	<ul style="list-style-type: none"> Concludes that the Council failed to carry out balancing exercises on the need, technical requirements and the availability of a suitable alternative site to be balanced against any visual impact, and the NPPF assessment and weighing of any identified harm to heritage assets against the public benefits of the proposal. 	<ul style="list-style-type: none"> The Council considers that it carried out the necessary balancing exercise. The officer's report should be read holistically. It considers the NPPF requirements of need; health alternative sites etc., and then assesses the design giving more weight to the design impact in the conclusion. Consideration was also given to paragraph

		134 of the NPPF in assessing the harm and weighing the public benefits.
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5.0 Conditions

5.1 Should the inspector however be minded to allow the appeal, recommended planning conditions are set out below.

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the plans 100B, 200B, 300A, 301B, Cover Letter ref: JB/CTIL/Metro/148391, ICNIRP ref: CTIL 148391, General Background Information for Telecommunications Development, Supplementary Information, CTiL, Existing Telefonica (3G) Coverage, CTiL Existing Vodafone (3G) Coverage Photomontage views CTIL: 148391.1.1, 148391.2.1, 148391.3.1, 148391.4.1, 148391.5.1.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The apparatus hereby approved shall be removed from the building as soon as reasonably practicable when no longer required and any works of making good shall be carried out to match the original work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the appearance of the building and local environment in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

4. A sample of the materials for the fibreglass screening shall be submitted to and approved in writing with the local planning authority prior to the commencement of the relevant part of the works. The development shall be implemented only in accordance with the approved details.

Reason: In order to safeguard the appearance of the building and local environment in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Yours faithfully,

Robert Lester
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 Regeneration and Planning
 Supporting Communities

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Appendix 1 - Officer's delegated report

Please refer to email attachment