

**Section 78 of the Town and Country Planning Act 1990**

**Appeal Statement**

**On behalf of CTIL and Telefónica UK Ltd**

A planning appeal by written representation against the decision of Camden Council to refuse planning permission for the installation of 6 no. antennas within 3 no. glass-fibre reinforced plastic (GRP) enclosures, 3 no. equipment cabinets and ancillary works thereto at Chester Court, Lissenden Gardens, London, NW5 1LY

Appellants' reference: CA/CTIL/234861/APPEAL  
LPA application reference: 2017/1353/P

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6	GRP information sheet.
7	Copy of email correspondence with the Local Authority.
8	Draft proposed design amendments.

## Section 1: Introduction

1. This statement has been prepared by Waldon Telecom Limited (hereinafter referred to as "the Agent"), acting for CTIL and Telefónica UK Ltd (hereinafter referred to as "the Appellant"), against the refusal of planning permission by Camden Council (hereinafter referred to as "the Local Authority") for the installation of electronic communications apparatus at Chester Court, Lissenden Gardens, London, NW5 1LY.
2. A planning application was submitted on 7 March 2017 to the Local Authority for consent to install 6 no. antennas within 3 no. glass-fibre reinforced plastic (GRP) enclosures, 3 no. equipment cabinets and ancillary works thereto at the appeal site. The Local Authority considered the application to be invalid and requested additional information on 24 March 2017 (copy of email requesting additional information in appeal documents). This information was provided by email on 21 April 2017 and the application was registered as valid on 25 April 2017.
3. The application was refused on 8 June 2017 for the following reason:
  1. *"The proposed telecommunications antennas and GRP screening structures by virtue of their inappropriate siting at the edges of the roof and their excessive scale and bulk would result in a highly visually prominent and incongruous development which would harm the visual appearance and character of the building, particularly the views from Parliament Hill Fields and would fail to preserve or enhance the character and appearance of the conservation area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the Camden Core Strategy, policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the Camden Development Policies, policies D1 (Design) and D2 (Heritage) of the Camden Local Plan Submission Draft 2016, The London Plan and NPPF."*
4. This statement will provide background information about the network and its requirement for an installation, and assesses the appeal proposal against planning policy based on the Local Authority's reason for refusal. It concludes that permission should be granted on the grounds that the proposed development is a suitable one in terms of siting, design and appearance, having an acceptable impact on the site and local environment, whilst providing 2G, 3G and 4G services for users in this locality. It will be submitted that the consideration given to appropriate siting and design outweigh any limited impact on the appeal site or character and appearance of the local area, including the Dartmouth Park Conservation Area. It will also be shown that the Local Authority did not undertake a balancing exercise to assess whether the need for the development, its technical requirements and the availability of an alternative sites were weighed against any visual impact of the proposed development.

## Section 2: The Appellant & The Need For The Appeal Proposal

5. CTIL is a joint-venture company set up by licensed mobile operators Telefónica UK Ltd (trading as O2) and Vodafone Ltd in November 2012 with responsibility for the upgrade, roll-out and management of a network of shared electronic communications radio base stations in the UK for the two electronic communications code operators. Prior to November 2012 Telefónica and Vodafone had for a number of years operated a voluntary site-sharing arrangement, named the "Cornerstone Project".
6. In February 2013 Ofcom announced the outcome of its 4G spectrum licence auction and Telefónica and Vodafone were both successful with their bids for 4G licences. Since then, through its appointed partners and agents, CTIL has been upgrading Telefónica and Vodafone's existing base stations and developing new sites where necessary in order to provide a high-speed 4G LTE (800 MHz cellular band) single network grid mobile broadband service in the UK. Where necessary, improvements or infills to 3G and 2G services (on the 2100MHz and 900MHz cellular bands) are being incorporated to ensure optimum service is provided to users. It is noted this proposal is a single-operator proposal for Telefónica.
7. The appeal proposal seeks to introduce a new base station within the Gospel Oak area in order to enhance 2G, 3G and 4G coverage for Telefónica (trading as O2). In addition to the voice and text services, the improvement of 3G and 4G services will allow customers to use ultra-fast speeds when browsing the internet, streaming videos, or sending emails.
8. Predictive coverage plots, providing an accessible visual representation of coverage levels in the area, were provided to the Local Authority with the application documents (these are also included at **appendix 1** for ease of reference. Computer generated shading is added to a base map to represent various signal levels, as demonstrated by the key. Within a built up or well populated area such as this, levels of Indoor Dense Urban (denoted by pink shading) are ideally desired. This allows mobile devices to operate satisfactorily in areas of dense urban housing or with a significant number of mature trees in the area, which significantly attenuate 3G RF signals. The lower Indoor Urban and Indoor Suburban levels (orange and blue shading) will enable satisfactory indoor coverage in modern detached, semi-detached and terrace houses, typically at lower densities. Where levels drop below this, in-building penetration cannot be relied upon. Green shading denotes In-car coverage and yellow shading, denoting Outdoor coverage, indicates that users would be likely to experience very poor reception even when outdoors with calls very likely to be dropped or missed. Where no shading is added to the base map, it is highly likely that users would not be able to connect to any service.
9. The tool which produces the plots has worked on UMTS (3G) levels only, on the basis that UMTS transmissions in the 3G 2100MHz cellular band are at a much higher frequency than 4G (800MHz) and consequently the geographical area able to benefit from the signals is smaller. In-building penetration of 2100MHz transmissions will also be lower due to an increased susceptibility to weakening due to the presence of tree cover or other "clutter". Therefore, if the predictive RF coverage plots for 3G are acceptable to the radio planner then 4G RF coverage for that same area will also be acceptable.

10. Within the Gospel Oak area, the tool indicates that Telefónica currently suffers coverage deficiencies in the area directly surrounding the appeal site, as shown on the plot titled 'Existing UMTS Telefonica (3G) Coverage'. The plot confirms coverage levels do not reach the desired indoor dense urban level with coverage levels down to indoor suburban levels (shown blue on the existing coverage plot).
11. The plot showing predicted coverage confirms levels increase substantially to an acceptable Indoor Dense Urban level following the integration of the proposed site into the network. There is a clear and demonstrable need for an installation within this area due to existing network deficiencies. This has not been disputed by the Local Authority. The Local Authorities delegated Report comments at paragraph 2.11 "*It is therefore accepted that the development would improve the telecoms signal for mobile devices inside buildings in the area.*" The plots provided also provide clear evidence that the appeal proposal resolves these deficiencies.
12. The importance of mobile technology in the UK, and its contribution to the sustainability agenda is emphasised in a series of annual communication market reports published by OFCOM, '*The Communications Market*' (<http://stakeholders.ofcom.org.uk/market-data-research/market-data/communications-market-reports/cmr16/>). The 2016 report states:

*The communications market plays a crucial role in the lives of citizens and consumers, and the fast-paced nature of the market means that this role is ever-changing.*

*We all need high-quality communications. In the modern world, a huge amount of our time is spent using communications services: for work, to stay in touch with family and friends, and in order to go about our daily lives. Our ability to access and use reliable mobile and broadband connections has become fundamental to the way we work and live, and to the ability of businesses of all sizes to thrive. For many people, internet connectivity is now as essential as gas or electricity, and access to traditional television, radio, fixed phone lines and postal services continue to remain important.*

*4G take-up has increased to 48% of UK adults (from 30% in 2015) while 4G mobile services are now available to 97.8% of UK premises. And 37% of fixed broadband connections are providing actual speeds of 30Mbit/s or more, up from 30% in 2014. In total, 86% of UK adults now have internet access at home. The greater choice of where and how to access the internet is driving greater use of online services. The smartphone, in particular, is becoming an ever more important device for many consumers, and take-up of this device has increased again this year. Seventy-one per cent of all adults now own a smartphone, up from 66% in 2015.*

*The growth of 4G has been rapid. 4G mobile services are now available to 97.8% of UK premises (outdoor coverage from at least one operator) in June 2016. 4G accounted for almost half of all mobile subscriptions (46%, 39.5 million connections) in Q4 2015, compared to 28%, 23.6 million, in 2014.'*

13. It is therefore very important for 'mobile only' households that live and work and the businesses that operate in this part of the LPA's area, together with visitors and others who are staying in or travelling through the area, that the necessary indoor coverage is provided to enable them to have satisfactory mobile telephony and internet access, and thereby help

achieve the Government's objectives for inclusive development and the rollout of modern high-speed communications networks.

14. The very high level of mobile phone use and ownership within the UK population is a very clear indication of the public's overwhelming acceptance of the benefits of mobile communications, which requires the installation and maintenance of base stations to provide the necessary connection between the mobile phones and the UK telecommunications network.
15. It is for these reasons that the National Planning Policy Framework (see section 4 of this statement) places such emphasis on encouraging the continued rollout of high-speed digital infrastructure networks of which the proposed development will form a key part.
16. A justification for the appeal proposal was provided to the Local Authority within the application and the Local Authority has at no time questioned or disputed the need for the development. Most importantly, need is not identified as a reason for refusing to grant planning permission for the proposed development at the appeal site.

### **Section 3: The Appeal Site & Proposal**

#### **3.1: The site**

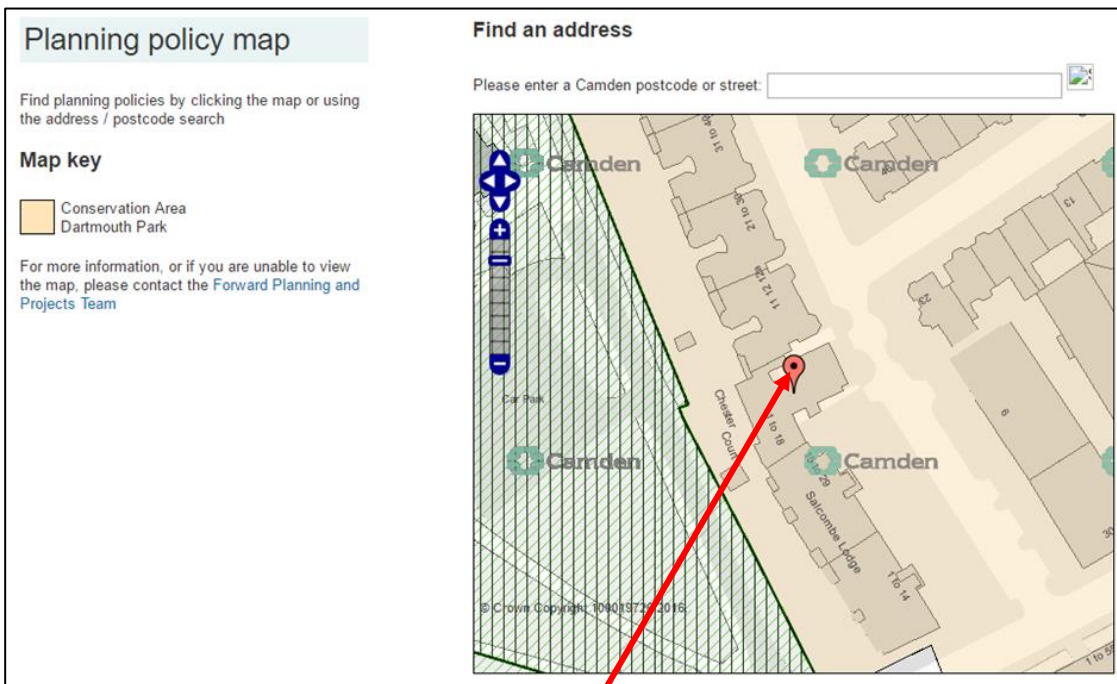
17. Chester Court is a six-storey residential building located on the western side of Lissenden Gardens. It is a red brick building with a mansard style roof, with plant rooms located atop the upper roof level. The building is located within a predominantly residential area of London.
18. Other than the host residential building, there are residential properties to the north and south on Lissenden Gardens, and to the north-east on Glenhurst Avenue. Properties on Lissenden Gardens are predominantly flats of 4 or more storeys, with two-storey terraced houses on Glenhurst Avenue. To the west of the site is Parliament Hill Fields, with the Parliament Hill Lido and a car park to the west of the site. There is also commercial development close to the site, to the south-east, at the junction of Lissenden Gardens and Gordon House Road. There are trees on both sides of Lissenden Gardens and Glenhurst Avenue giving the area a green and pleasant suburban appearance.



Site location

**Image 1: Appeal site viewed from Parliament Hill Lido looking east towards the site**

19. The Local Authority's Proposals Map shows the site is located within the Dartmouth Park Conservation Area.



Site location

**Image 2: Extracts from Camden Council's Proposals Maps**

In addition to the Conservation Area there are a number of designations either on or close to the site. Land to the west is designated as an area of Metropolitan Open Land (green vertical lines) and Open space (green diagonal lines).

### **3.2: Relevant Planning History**

20. There is no history of telecommunications development on the host building. A search of the Local Authority planning register has not located any telecommunications proposals in the vicinity of the site.

### **3.3: The Proposal**

21. The appeal proposal comprises the installation of six antennas on the roof of the building. The antennas are proposed to be located within three glass-fibre reinforced plastic (GRP) enclosures, with two antennas within each enclosure. The enclosures would have a brick-effect finish to match the brickwork on the building. Three radio equipment cabinets are proposed to be located centrally on the roof of the building. Two 'Flexi rack' cabinets are proposed, each measuring 0.75m x 0.6m x 1.98m (h). In addition, a 'PSU' cabinet is proposed measuring 0.7m x 0.82m x 1.8m (h). The equipment cabinets are proposed to be coloured grey. Ancillary equipment includes cable trays and 1.1 metre high safety handrailing.



## Section 4 The Planning Policy Context Of The Appeal Proposal

### 4.1 National Policy

#### National Planning Framework

22. The National Planning Policy Framework (NPPF), which sets out the government's national planning policies for England, was published by the government on 27 March 2012. Paragraph 201 of Annex 1 to the NPPF explains that its policies apply from that date in respect of decisions on planning applications and appeals.
23. Paragraph 14 of the NPPF states that a presumption in favour of sustainable development lies at the heart of the planning system and, in respect of decision-taking, this means that development proposals that accord with the provisions of the Development Plan should be approved without delay.
24. The appeal proposal is also supported by paragraph 17, third bullet point, of the Core Planning Principles of the NPPF, which states that the decision-taking should "*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs...*" (our emphasis).
25. This theme is developed further in Section 5 'Supporting high quality communications infrastructure' of the Achieving Sustainable Development section of the NPPF (paragraphs 42-46) where the government sets out its objectives for national telecommunications planning policy. Paragraph 42 emphasises that advanced, high quality communications infrastructure is essential for achieving sustainable economic growth, and that high speed communications networks, such as the appeal proposal and its role in the Appellants' planned digital infrastructure networks play a vital role in enhancing the provision of a range of local community facilities and services.
26. Paragraph 43 of the National Planning Policy Framework states that "(local authorities) *should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified*". In this case the use of a rooftop will facilitate coverage for 2G, 3G and 4G for Telefónica. It will be demonstrated within section 6 of this statement that opportunities to utilise existing masts, buildings or other structures do not exist in this instance and the appeal proposal presents the best option available to the Appellants to achieve their technical objectives within this area, thus the need for a new site in this location is well justified.
27. The Framework also advises on conserving the historic environment. It sets out how local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. At paragraph 132 it goes on to state 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*'. Paragraph 134 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.* In this case the proposal will result in less than substantial harm, and the very limited harm that will result is outweighed by the public benefit of the provision of 2G, 3G and 4G coverage for Telefónica, thus fully complying with this important aspect of the Framework. The impact of the proposal is discussed in section 5.5 later in this statement.

28. Paragraph 135 goes on to state that *'in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*. It is considered the use of a rooftop to accommodate the required equipment, along with the proposed GRP enclosures to screen the antennas, does not have a significant impact on the visual amenities of the area and that heritage assets would not be harmed by the proposed development.
29. In the Appellants' opinion, the proposed development also accords fully with the design guidance contained in section 7 of the NPPF. In this regard, the installation of antennas on the roof shrouded by GRP enclosures, is an innovative design solution that is an entirely suitable development given the context of the site.
30. The appeal proposal, therefore, meets fully the guidance contained in paragraph 65 of the NPPF, which states that:

*"65. Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits)."*

31. The Local Authority has cited concerns regarding the impact of the appeal proposal on the Conservation Area as one justification for refusing planning consent, however, it is the contention of the Appellants that, in line with the above guidance, those concerns have been mitigated through high quality design and that the appeal proposal would not harm the character or appearance of the Conservation Area. This view will be expanded upon within section 6 of this statement. It follows that significant weight should be given to the need to allow the Appellants to implement its proposal in view of the wider socio-economic and sustainable development benefits of providing improved 2G, 3G and 4G coverage within the area in the public interest, entirely in accordance with the NPPF. The significant benefits of the proposal are considered to outweigh the minimal impact.
32. It is considered the proposed development complies with the broad aims of the NPPF. It assists in the aim to keep the number of installations to a minimum, with Telefónica achieving coverage for multiple technologies, in the public interest, from a single site. The equipment has been sympathetically designed with the amount of equipment kept to a minimum, it would enhance the provision of local community facilities and services and heritage assets would be preserved.

The Plan for Growth and Ministerial Statement, March 2011

33. The 'Plan for Growth' report, published alongside the Budget 2011 announcement in March 2011, outlines the government's intention to refocus the planning system to include a presumption in favour of sustainable development, including measures to support the UK's digital infrastructure and mobile broadband communications networks. These objectives are now reflected in part in the NPPF. The Plan for Growth is directly relevant to this appeal, as the proposed base station will allow the Appellants to provide wireless 4G digital infrastructure services, including mobile broadband, to the London Boroughs.
34. On 23 March 2011, the Minister of State for Decentralisation issued a statement on the Planning for Growth agenda that the Appellants considers is a material consideration in the determination of this appeal. This statement included the following guidance:

*"...The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy..."* (Second paragraph); and

*"...When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:*

*(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession...*

*(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)...*

*(v) ensure that they do not impose unnecessary burdens on development..."* (Fifth paragraph)."

35. The proposed development, which will form an integral part of the Appellants' wireless 2G, 3G and 4G networks, is precisely the type of high-speed digital infrastructure that the government is seeking to support as part of the presumption in favour of sustainable development. Moreover, the appeal proposal will deliver social, economic, and environmental benefits by providing services to the residential and business communities in the area around the site.

Recent Government Policy Advice

36. In addition, the Government's stance on the vital importance of the development of these essential modern electronic communications services for residents and local economies, with

the urgent delivery of the required network services continues to be a Government priority. Within his presentation to Parliament in July 2015 of the Government report 'Fixing the foundations: Creating a more prosperous nation' (**Appendix 2**) by the Chancellor of the Exchequer, the importance of a high speed digital communication infrastructure is reiterated. *"7.1 Reliable and high quality fixed and mobile broadband connections support growth in productivity, efficiency and labour force participation across the whole economy. They enable new and more efficient business processes, access to new markets and support flexible working and working from home.*

*By reducing regulatory red tape and barriers to investment, the government will support the market to deliver the internationally competitive fixed and mobile digital communications infrastructure the UK's businesses need to thrive and grow, and which will enable the UK to remain at the forefront of the digital economy. The government is working with business so that the market can play the lead role in delivering against the ambitions set out in the Digital Communications Infrastructure Strategy, published in March, of near-universal 4G and ultrafast broadband coverage.*

As recently as 9th March 2016 the then Prime Minister David Cameron stated within Prime Minister's Question Time: *'Ten years ago, we were all rather guilty of leading campaigns against masts and all the rest of it. Our constituents now want internet and mobile phone coverage. We need to make sure that we change the law in all the ways necessary, that the wayleaves are granted, that the masts are built, that we increase coverage and that everyone is connected to the information superhighway.'*

This is further substantiated in the budget announcement of 16th March 2016, which commits to provisions for *"greater freedoms and flexibilities for the deployment of mobile infrastructure"*. A full copy is available at **Appendix 3**. The proposed electronic communications base station forms a part of this greater drive to address the deficit in these essential electronic communications services.

## **4.2 Local Level Policy**

37. Section 70 of the Town and Country Planning Act 1990 requires planning applications and appeals to be determined having regard to the provisions of the Development Plan and other material considerations, and section 38 of the Planning and Compulsory Purchase Act 2004 requires applications and appeals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. At the time of submission and determination of the application the Development Plan comprised the Camden Core Strategy (adopted 2010), the Camden Development Policies (2010), the Camden Local Plan Submission Draft (2016) and the London Plan consolidated with alterations since 2011 published by the Mayor in March 2015. Also relevant is the Dartmouth Park Conservation Area Appraisal and Management Strategy (2009).
38. The Camden Local Plan was formally adopted on 3 July 2017. This plan replaces both the Core Strategy and the Development Policies document. Policy wording of the submission draft is substantially the same as the adopted version for the relevant policies to the appeal (policies

D1 – Design and D2 – Heritage). Policies in both the up to date Local Plan and previous Core Strategy and Development Policies document will be considered.

39. The Local Authority's decision notice accounts for the refusal of planning consent through reference to policy CS14 of the Core Strategy, policies DP24 and DP25 of the Development Policies document, and policies D1 and D2 of the Draft Camden Local Plan.

#### Local Plan

40. Policy CS14 of the Core Strategy (Promoting high quality places and conserving our heritage) is a general policy setting out that the Council will ensure Camden's places are attractive, safe and easy to use. Criteria to support this includes requiring development to have a high standard of design, and preserving and enhancing heritage assets, including conservation areas. Whilst much of the policy does not lend it itself to the type of development proposed by the Appellant, the importance of a high quality of design and the desire to preserve and enhance heritage assets are relevant. The Appellant considers the proposal has a high quality of design. The use of GRP enclosures to screen the antennas, with the enclosures finished to match the brickwork of the building, mitigates impact to an acceptable level. To the extent that it is relevant, the proposed development conforms to this policy.
41. Policy DP24 of the Camden Development Policies document (Securing high quality design) adds further detail to the general Core Strategy policy CS14 in respect of quality of design. Criteria set out to assess design quality include the quality of materials to be used, the appropriate location for building services equipment and the character and proportions of the existing building. This policy is not geared towards small scale telecommunications development and much of it cannot be applied to the appeal proposal. Where it is relevant, the use of GRP to match the finish of the building would ensure impact is minimised. Equipment has been located balancing the need to provide coverage to the area whilst not having an overbearing impact on the building. The optimum position for the antennas is towards the edge of the building. This allows their height to be kept to a minimum. Moving the antennas more centrally would result in taller and more visible structures being required. Equipment cabinets are located more centrally on the roof to ensure these would not be widely visible from ground level.
42. Policy DP25 (Conserving Camden's heritage) of the Development Policies document has the broad aim of preserving and enhancing the character and appearance of conservation areas. It also confirms the Council will take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas (reference to the Dartmouth Park Conservation Area Appraisal and Management Strategy will be considered later in this section). The scheme has been sited and designed to protect the character and appearance of the conservation area in accordance with the requirements of the policy, with the careful use of GRP enclosures and siting equipment cabinets centrally on the roof of the building.
43. Policy D1 of the Local Plan Submission Draft deals with design. Again, it has the desire to secure a high quality of design in development. As with other policies referred to much of the detail is not relevant to small-scale telecommunications development. However, criteria of the policy

which are relevant include the need to respect local context and character, to preserve or enhance the historic environment and to use materials that are of high quality and complement the local character. Whilst it is difficult for a telecommunications installation to be specifically designed to meet the local character of a specific area the proposed development has been designed to minimise impact thus respecting its location within a conservation area. The height of the GRP enclosures have been kept to a minimum and the finish to match the brickwork confirms a high quality of detail and use of materials. Placing the antennas on the roof with no screening would have a greater visual impact. The enclosures would be visible, however it is considered they would be viewed along with other usual rooftop equipment, such as chimneys, plant rooms and air conditioning plant, having no harmful impact on the appearance of the area. It is thusly considered that the proposal complies with the broad aims of the policy.

44. The final specific policy referred to in the decision notice is policy D2 of the Local Plan Submission Draft dealing with Heritage. As with policy DP25 of the Development Policies document, the broad aim of the policy is to preserve and, where appropriate, enhance heritage assets, including conservation areas. The Council aims to resist any loss of or substantial harm to heritage assets. Specifically in respect of conservation areas the policy confirms it will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas. It is considered there is no alternative but to propose a site within a conservation area, and a scheme has been designed specifically to minimise impact on heritage assets. It is considered, in this instance, the significant benefits of the proposal in providing important digital services for Telefónica in the public interest outweigh the minimal impact of the development on heritage assets.
45. It is clear that the proposed development complies with each policy listed in the reason for refusal and so the LPAs reasoning does not bear up to scrutiny.
46. The Dartmouth Park Conservation Area Appraisal and Management Statement (adopted 2009) provides a character appraisal of the area. The appraisal divides the conservation area into ten sub areas, one of these being Lissenden Gardens. Chester Court is mentioned at paragraph 7.101 which states the building is "*a five storey red brick block with another floor in the mansard roof, casement windows and balconies.*" It does not note the building as having any particular architectural merit, although blocks to the north (Parliament Mansions) and south (Salcombe Lodge) are noted of being buildings of interest, but neither are nationally or locally listed. The appraisal also notes the importance of the trees on Lissenden Gardens. At paragraph 7.100 it notes "*Also significant are the plane trees in all of the estate's roads. They are a foil to the mansion blocks and prevent them having an overbearing effect on the street.*" As well as having a general impact it is considered this would also help to soften the impact of the proposed rooftop equipment in views from Lissenden Gardens and Glenhurst Avenue.

#### London Plan

47. In March 2015 the Mayor adopted and published further alterations to the London Plan. Chapter 4, London's Economy, contains a policy relevant to the installation and upgrade of electronic communication base stations. This is Policy 4.11, 'Encouraging a Connected Economy', which states:

## 'POLICY 4.11 ENCOURAGING A CONNECTED ECONOMY

### *Strategic*

*A The Mayor and the GLA Group will, and all other strategic agencies should:*

*a facilitate the provision and delivery of the information and communications technology (ICT) infrastructure a modern and developing economy needs, particularly to ensure: adequate and suitable network connectivity across London (including well designed and located street-based apparatus); data centre capability; suitable electrical power supplies and security and resilience; and affordable, competitive connectivity meeting the needs of small and larger enterprises and individuals (our emphasis)*

*b support the use of information and communications technology to enable easy and rapid access to information and services and support ways of working that deliver wider planning, sustainability and quality of life benefits'.*

### London Infrastructure Delivery Plan 2050 (published 2014)

48. As part of the work on the 2015 London Plan Alterations, the Mayor commissioned work to develop a long term infrastructure investment plan for London, and in 2014 the 'London Infrastructure Delivery Plan 2050' was published. The stated aim of the Infrastructure Delivery Plan is to provide for fast, ubiquitous access to the internet from mobile and fixed devices. Chapter 16 of the Plan, Digital Connectivity, indicates how the Mayor's Office will support a mix of technologies including mobile broadband and future methods of wireless internet delivery to address the capacity crunch in the short term, as well as aiming to make London the first capital city in the world to deploy 5G in the 2020s. The proposal will contribute to London's agenda for reliable high speed communications. Among other matters it is stated:

*'Broadband is now considered the fourth utility. The Government has stated that it wants 99% of the population to have superfast connections by 2018. Internet access speeds and coverage affect the productivity of businesses and are now a factor considered by homebuyers. Access is not only essential to many businesses, but also, as more local authorities are encouraged to move the services they provide online, access is essential for residents to be able to take part in a modern society. The Mayor wants every resident and business in London to be able to have affordable high speed internet connectivity, should they choose to access it'.*

### Raising London's High Speed Connectivity to World Class Levels

49. The Mayor's report: 'Raising London's High Speed Connectivity to World Class Levels' provides the background to and amplifies Chapter 16, Digital Connectivity, of his Infrastructure Delivery Plan. The report notes, the availability of internet access not only affects the productivity of businesses and proves essential to the future growth of many firms, it is also vital for many residents to take part in modern society, as more services move online. The report also notes

among other matters, that 'Mobile operators already experience difficulty obtaining permission from local authorities...to increase capacity for their networks in areas where there is high demand. The Mayor, therefore, will be working with central Government and London's local authorities to ensure that strategic communication networks are enabled rather than inhibited by the planning and other regulatory systems. As a last resort and having regard to the strategic importance of London Plan Policy 4.11 the report states:

*'The Mayor has overall strategic responsibility for planning in London...The communications network of London is clearly one of strategic importance. Should the implementation of the London Plan across strategic agencies not provide the adequate flexibility for the development of a robust communications network, whether based on existing technologies or future ones, the Mayor will seek to bring planning applications for communications infrastructure within this strategic responsibility, with the ability to take them over for his own determination...'*

50. In summary, contrary to the assessment of the Local Authority, it is considered the proposal complies with both national and local policy.

### **Section 5: Assessment Of The Reasons For Refusal**

51. The Local Authority's reason for refusal is based on an assessment that the scale and bulk of the antennas and GRP enclosures, and their location close to the edges of the roof, would result in an unacceptable visual impact on the building, and would fail to preserve or enhance the character and appearance of the Dartmouth Park Conservation Area. The salient issues to address are therefore considered to be the level of visual impact associated with the proposed site, whether that impact has been minimised through siting and design, whether it would give rise to harm to the specific attributes of the Dartmouth Park Conservation Area, and whether the benefits of the proposal in providing improved modern communications to the area outweigh the impact.
52. With regard to assessment of the proposal against the planning policies cited on the refusal notice, attention is respectfully directed back to Section 4.2 where general compliance has already been demonstrated, although this will be expanded upon within the following sections. As will be demonstrated throughout this statement, and was demonstrated to the LPA within the original application submission, the appeal proposal is for a demonstrably necessary radio base station that has been designed to work at the minimum operationally efficient height and utilises an acceptable camouflaged design on the rooftop of a tall building, where the impact of development will not be unacceptable. The proposal is fully in accordance with the development plan and NPPF. The LPA has failed to give due consideration to the matters material to this case and should have granted planning permission for the appeal proposal.

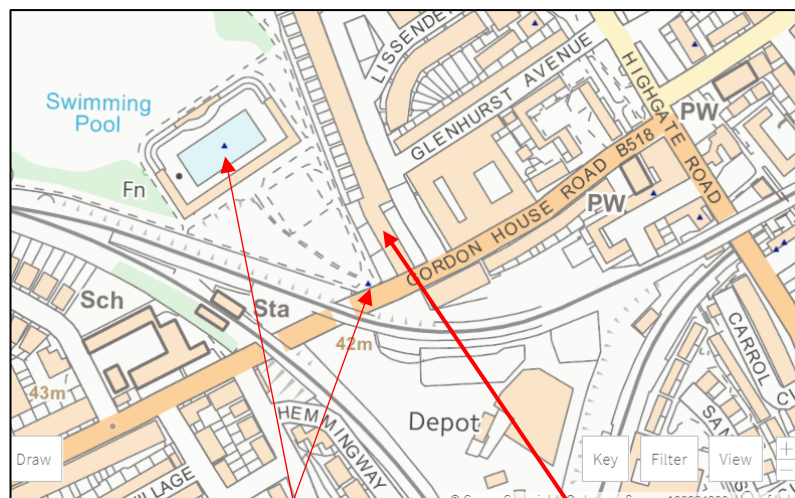
#### **5.1 Character of the area**

53. As previously noted, the site is located within the Dartmouth Park Conservation Area. The adopted Dartmouth Park Conservation Area Appraisal and Management Statement 2009 (see paragraph 45 above) provides a detailed appraisal of the conservation area. As noted



previously, Chester Court is not noted as having any particular merit as a building, however the adjoining Salcombe Lodge and Parliament Hill Mansions are noted as buildings that make a positive contribution to the character and appearance of the conservation area (however it is noted these buildings are not included in Camden’s Local List of buildings of merit – see paragraph 56 below).

- 54. The building sits on the boundary of Parliament Hill Fields, with a car park to the west of the site with Parliament Hill Lido and a railway line beyond. This area is not included in the Dartmouth Park Conservation Area, however it is an important area of open space and the rear elevations of the Lissenden Gardens properties form an important backdrop to the open space.
- 55. Chester Court sits between the edge of Parliament Hill fields and a residential area, with some commercial development to the south-east. Equipment on the roof of the building would be visible, therefore it is proposed to screen the antennas behind GRP enclosures to mitigate impact. Also, locating equipment cabinets centrally on the roof of the building and the benefits of tree screening in the area all further mitigate impact. The weight of the heritage assets in this specific location is not considered as strong as other parts of the conservation area. This is considered relevant in terms of assessing the impact on the heritage asset and whether the benefits of the proposal outweigh the impact on the asset.
- 56. As well as the general impact on the character and appearance of the conservation area, another element to consider is the potential impact on important buildings within the designated area. The extract below from the Historic England online map search facility below (<https://historicengland.org.uk/listing/the-list/map-search>) confirms there are no listed buildings close to the site. Listed features in the wider area include a sewer vent pipe on Gordon House Road to the south approximately 50 metres from the site (listing no. 1113026) and Parliament Hill Fields Lido located to the north-west approximately 75 metres from the site (listing no. 1113025). However these are some distance from the appeal site, as shown on the extract below and views are mitigated by this. It is therefore considered the development would not have a detrimental impact on listed buildings in the area or their settings, again reducing the significance of the appeal site as a specific heritage asset.



Closest listed structures      Site location  
**Image 3: Extract from Historic England map**

57. Camden's 'Local list' is an adopted document (adopted in January 2015) which sets out notable buildings, street features and landscapes that are not protected, better known as 'non-designated heritage assets'. There are no buildings on Lissenden Gardens, or close to the site, which are included on the list. Parliament Hill Fields (to the north-west of the appeal site) is included in the list as a natural feature or landscape.

## 5.2 Siting & Design

58. The Appellants adhere to the voluntary Code of Best Practice on Mobile Network Development in England (2016) (COBP), produced by a working group comprising Arqiva, the Department for Communities and Local Government, the Department for Culture Media and Sport, the Department for Environment, Food and Rural Affairs, Historic England, the Local Government Association, Mobile UK (representing the Mobile Network Operators), Landscapes for Life, National Parks England, and the Planning Officers Society. The Appellants take guidance from it in the siting and design of all their new sites and upgrades.

59. Siting and design principles of the COBP, which is attached in its entirety as **appendix 4** for reference, are contained within Appendix A of the document. With regards to the installation on existing buildings and structures, the Code states:

*"The use of existing buildings and structures by the operators as sites for the installation of their telecommunications equipment is an established measure which has greatly helped to reduce the environmental impact of their networks. Examples of buildings and structures which may be suitable include:*

- *Office/residential blocks*
- *Water towers*
- *Floodlighting towers*
- *Electricity pylons*
- *Chimneys*
- *Broadcast masts*
- *Church towers...*

*...Operators will need to bear in mind the height, scale and architectural style of the building or structure as this will have a significant influence on the design of the equipment used. Extra care will need to be taken when installing equipment on listed buildings, within scheduled monuments (see section on Listed Buildings and Scheduled Monuments below) or on structures and/or buildings located in areas of historic and architectural importance or in designated areas, such as National Parks, Conservation Areas.*

*It is important that the siting of equipment on buildings and structures does not come across as being ill-considered. Careful planning and placing of equipment, to achieve symmetry and balance can help to overcome this. In addition, when using pole mounts operators should consider, where technically possible, the feasibility of setting apparatus away from the edge of buildings to reduce prominence and minimise the need for potentially intrusive edge protection (e.g. health and safety hand railings). In using existing buildings and structures,*

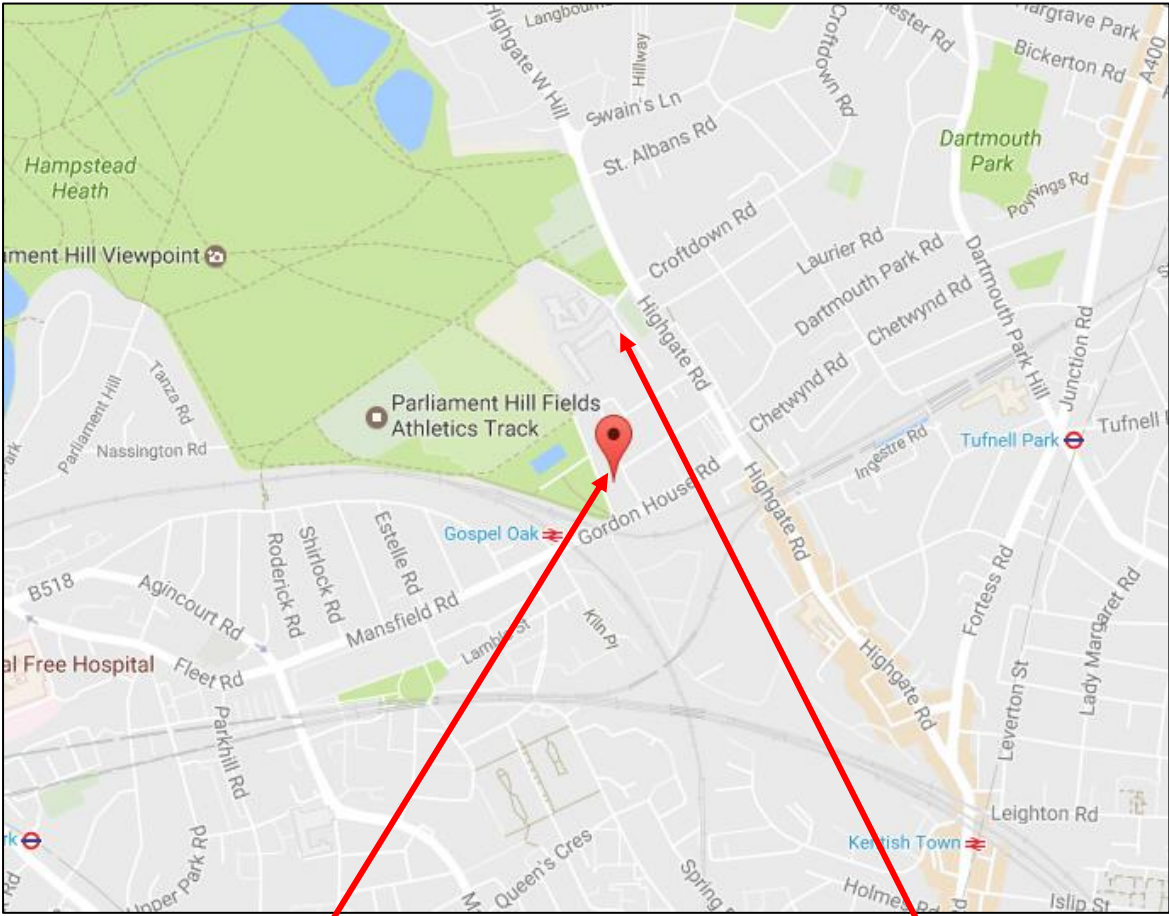
*operators and local planning authorities should bear in mind structural limitations that may restrict their use as potential sites. For example, many older buildings are not designed to take on the extra weight of telecommunications equipment. It is vital that operators discuss with the local planning authority any matters that could restrict siting options as a result of this type of consideration.*

60. The proposal is fully in accordance with the Code in this respect. A suitable rooftop location is proposed which would provide coverage for multiple technologies for Telefónica, thus negating the need for a new ground based mast. Although within a conservation area there would only be a minimal level of impact due to sensitive design. Although relatively large structures on the edges of the roof, the enclosures proposed to screen the antennas would be constructed from GRP and finished to match the brickwork of the building. It is considered the development would only have a minimal impact on the surrounding area, and that the technical benefits of the proposal would outweigh this minimal impact.

### **5.3 Site Selection**

61. Base stations are relatively low powered devices, they can only cover a limited geographical area. The area each base station covers is called a cell. In heavily built-up areas, for example, a small base station might cover a cell area of only a few hundred meters. Each base station can also only handle a limited number of calls at one time (this is referred to as the "capacity" of the cell or network). Each cell overlaps with its neighbouring cells to create a continuous network. The size and shape of each cell is determined by the features of the surrounding area, such as buildings, trees and hills, which can block signals. When people travel between cells, the signal is transferred between base stations without a break in service.
62. Site placement is absolutely critical in network planning and locations are selected to fit as closely as possible to the cellular pattern necessary for the area, with the result that this reduces both the interference generated and the overall number of sites required, whilst ensuring effective coverage. Ideally, sites should be as central as possible to the area requiring coverage to limit interference with adjacent cells and to maximise coverage and minimise the number of sites.
63. The Appellant has been searching for a site in this area of London for a number of years without success. Many of the more suitable multi-storey residential properties in the area have not been available as these are owned by Camden Council and historically it would not allow its buildings to be used by telecommunications Operators. However, this policy was recently changed and some Council properties have been offered as potential sites to Operators. One of these properties is Chester Court and it provided the opportunity to fill a coverage gap for Telefónica. It was considered that an appropriate design could be achieved, which met both coverage objectives and maintained the character and appearance of the conservation area, therefore no further searches were undertaken at the time of submitting the application.
64. As part of the assessment which took place to decide whether an appeal should be lodged against the planning refusal at Chester Court, an assessment of potential alternative sites in the area was undertaken to assess whether any more suitable locations could be identified.

- 65. When searching for a site, they are considered in terms of their technical suitability to provide the required level of service, the effect on visual amenity and their ability to be acquired, built and maintained. The aim of site identification is to find the most technically efficient site, which has the minimum impact on visual amenity. This can be a difficult balancing act in sensitive areas such as this one. In this case a site was required which would have less impact on the surrounding area than the appeal site.
- 66. The Appellant applied the sequential site selection process as advocated in the COBP when searching for a suitable alternative site to Chester Court. This meant that the initial investigation focused on an exploration of existing masts, buildings and other suitably tall structures that may have been appropriate for the accommodation of the apparatus, subject to the technical and commercial constraints placed upon operators, and planning constraints imposed by the development plan. The plan below shows the centre of the area of search, along with the appeal site:



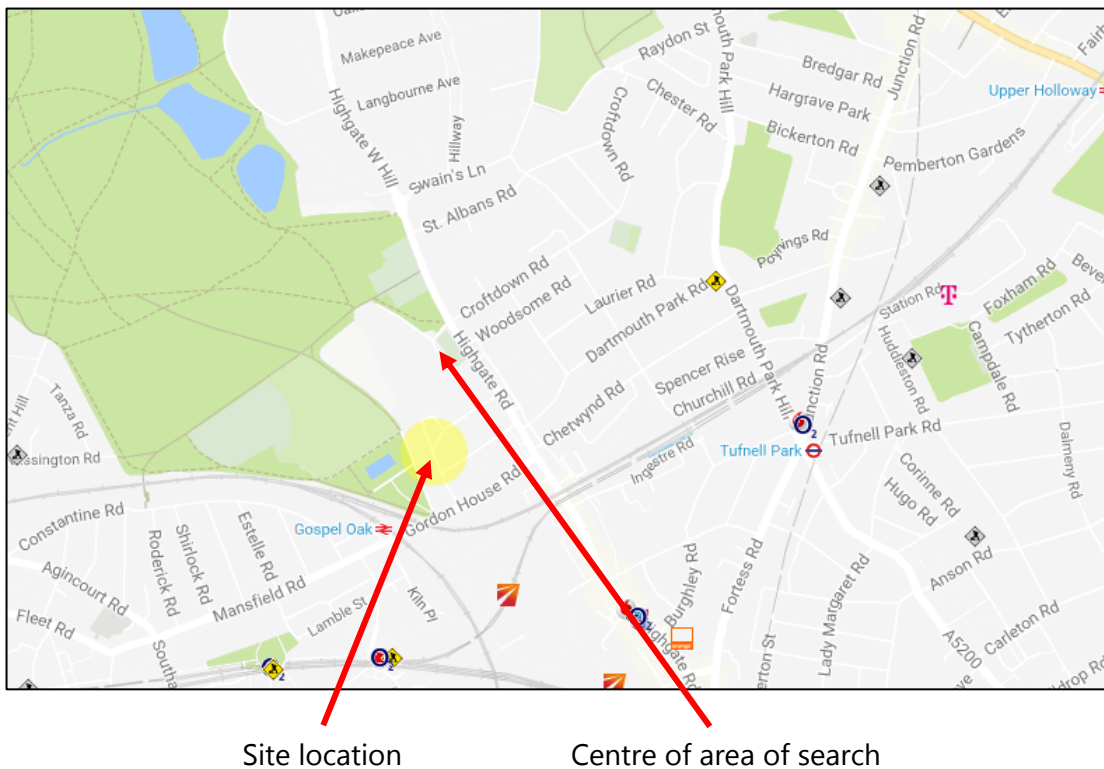
Proposed site

Centre of search area

**Image 4: Map showing centre of area of search**

## Existing sites

67. The first step in the site selection process is to determine whether there are any existing sites within the search area and whether they can be utilised. Base stations may be located on or in buildings, street furniture (lamp-posts), rooftops, individual or shared masts or may be hosted by other masts such as broadcast radio or TV masts. The 'Mastdata' website provides an independent database of sites and it represents a useful starting point in the site search process, which later progressed to viewing the LPA's record of planning applications in the relevant area and a comprehensive physical survey of the search area. Mastdata is a private entity that utilises search tools and Operator information that is now out of date. However, it is a useful starting point for a desktop study.
68. The extract from the 'Mastdata' database below has been annotated with the search area centre along with the location of the site for information:



**Image 5: Extract from the 'Mastdata' Database - Source <https://mastdata.com>**

It can be seen that other mobile telecommunications sites shown on the 'Mastdata' extract above are located well away from the centre of the search area. The closest sites are Telefónica installations (denoted by O2 on the extract) to the east, south-east and south of the appeal site. These installations provide coverage for the Telefónica network for adjoining cells. These sites were identified in the search and assessed for their suitability below. A physical search of the area did not locate any other installations not shown on the 'Mastdata' database.

- A. Existing Telefónica site, Grafton Road, London, NW5 4AL (NGR: 528277, 185361). This is a 15m high streetworks installation to the south of the appeal site already

forming part of the operators network, serving the adjacent cell area and not capable of meeting the coverage requirement within this cell.

- B. Linton House, Highgate Road, London, NW5 1RT (NGR: 528790, 185480). This is a multi-operator shared site serving the adjacent cell area and is too far from the target area to be utilised.
- C. 246 Tufnell Park Road, London, N19, 5EW (NGR: 529161, 185876). This is an existing Telefónica site serving an adjacent cell area. The site does not provide the required level of coverage to the target area and has therefore been discounted.

#### Rooftops and other structures

69. In the absence of any suitable existing base station sites the search progressed to consideration of buildings and other structures on which to install the required apparatus. Potential rooftop options were limited. The following were considered and discounted:

- D. Parliament Hill Mansions, Lissenden Gardens, London, NW5 1NA (NGR: 528364, 185789). This is a 5 storey building located within the Dartford Park Conservation Area with no existing telecommunications apparatus on the building that was included within the portfolio of local authority owned sites made available to the operator. It is listed within the Dartford Park Conservation Area Appraisal and Management Plan as a building that makes a positive contribution to the Conservation Area. Having reviewed the options within the area, the network radio planners selected Chester Court as the best available option in technical terms. As a building making a positive contribution to the Conservation Area, the use of Parliament Hill Mansions is likely to have a greater impact on non-designated heritage assets and has therefore been discounted.
- E. Lissenden Mansions, Lissenden Gardens, London, NW5 1PR (NGR: 528397, 185848). Again, this is a 5 storey building located within the Dartford Park Conservation Area with no existing telecommunications apparatus on the building that was included within the portfolio of local authority owned sites made available to the operator. It is listed within the Dartford Park Conservation Area Appraisal and Management Plan as a building that makes a positive contribution to the Conservation Area. Having reviewed the options within the area, the network radio planners selected Chester Court as the best available option in technical terms. As a building making a positive contribution to the Conservation Area, the use of Lissenden Mansions is likely to have a greater impact on non-designated heritage assets and has therefore been discounted.
- F. Haddo House, Junction of Highgate Road & Garden House Road, London, NW5 1PX (NGR: 528543, 185822). This is another 5 storey building located within the Dartford Park Conservation Area with no existing telecommunications apparatus on the building that was included within the portfolio of local authority owned sites made available to the operator.. It is listed within the Dartford Park Conservation Area

Appraisal and Management Plan as a building that makes a positive contribution to the Conservation Area. Having reviewed the options within the area, the network radio planners selected Chester Court as the best available option in technical terms. As a building making a positive contribution to the Conservation Area, the use of Haddo House is likely to have a greater impact on non-designated heritage assets and has therefore been discounted.

- G. 91 Highgate Road, London, NW5 1TR (NGR: 528659, 185685). This is a 4 storey block of flats with no existing telecommunications apparatus on the building that was included within the portfolio of local authority owned sites made available to the operator. Although it is located outside of the Conservation Area it is within a Designated View of St Paul's Cathedral. The site is close to the existing Telefonica installation to the south-east (discounted option B above). It is too close to this existing installation, would partially replicate coverage and not cover the area adequately further north.
- H. Church of St Mary Brookfield, Dartmouth Park Hill, London, NW5 1SL (NGR: 528961, 186174). This site is too far east of the centre of the search area and would therefore not provide the required level of coverage to the target area. In addition, an application to site equipment on the building was refused in 2015 (application reference 2015/3576/P).
- I. 6 Lissenden Gardens, London, NW5 1LX (NGR: 528434, 185752). This is a two-storey commercial building located within the Dartmouth Park Conservation Area. It is much lower than the appeal site and it would not be possible to achieve an antenna height to be able to provide the required level of coverage to the target area.

#### Ground based sites

70. Having exhausted all rooftop options in the search area, the search progressed to consideration of locations for a new ground based structure. A number of criteria, in addition to planning matters, must be considered when seeking to establish a new streetworks installation (of which two of the options considered are), all of which must be satisfied in order for the site to progress;

- Land ownership – It is necessary to have the agreement of the landowner to install equipment on their land. Most land immediately adjacent to a highway will be adopted highway. However, this is not always the case and therefore it would be necessary to seek the consent of the landowner;
- Underground services – The presence of underground services (such as water and gas pipelines or electricity and telecommunications cables) restrict the ability to install equipment due to the depth of the root foundation required for the pole, which must avoid these services. In addition it is necessary for the utility companies to maintain access to these services;
- Proximity to overhead services and existing lighting columns – Sites for streetworks installation can be restricted due to the presence of overhead cables (such as overhead telephone and electricity cables) and the proximity of existing

lighting columns. Sufficient vertical and horizontal separation is required to allow the proposed antenna to comply with ICNIRP requirements;

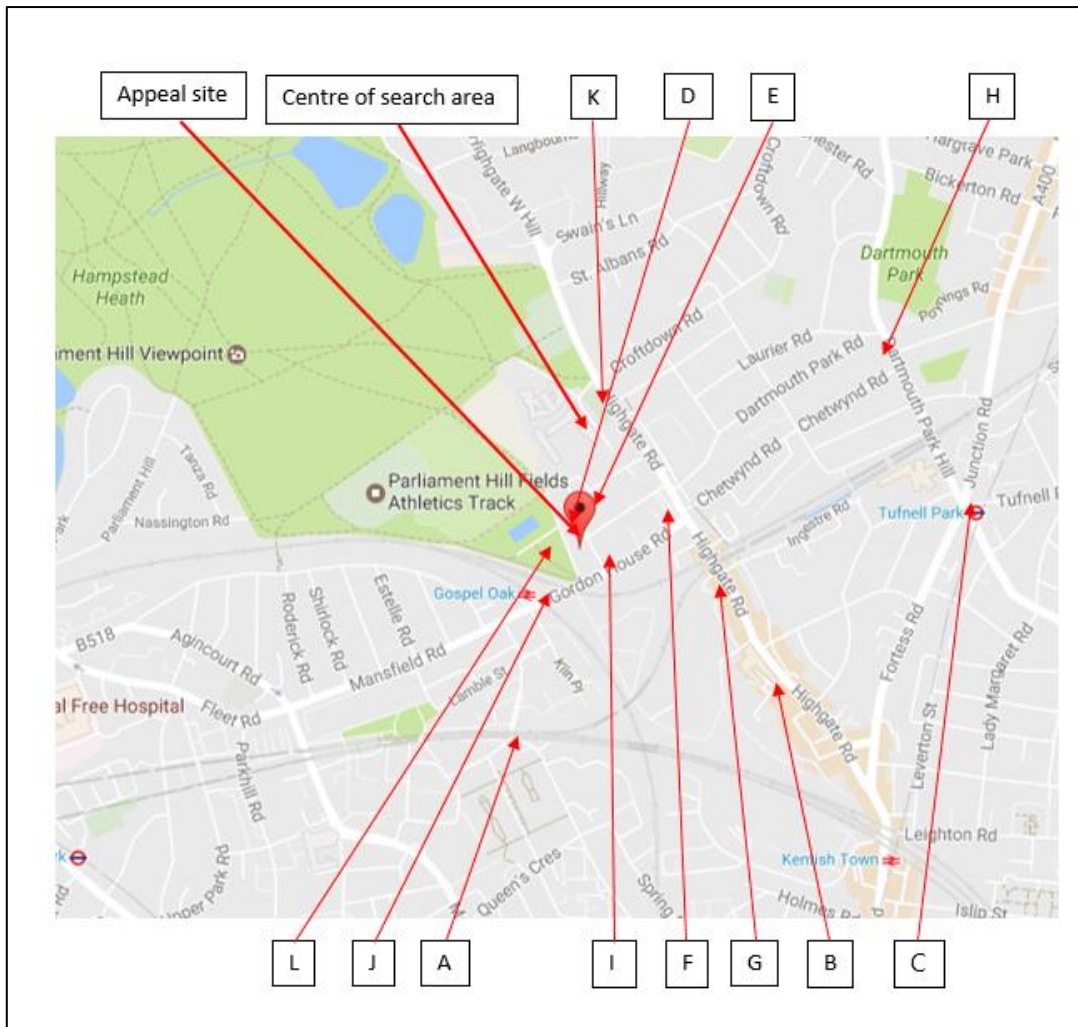
- The width of footpath that will be remaining once the equipment is installed – Once the cabinet is installed sufficient space must remain to allow pedestrians to pass safely and without having to step into the adjacent road. Typically, local highways authorities will require 1.8 metres of footpath to allow pedestrians, push chairs and wheel chairs to pass safely;
- Access requirements – Equipment must not obstruct access to driveways, cycle lanes and pedestrian crossings;
- Visibility splays – Equipment must be sited in order that it does not have a detrimental impact upon the visibility splays of traffic emerging from road junctions and other access routes.
- Parking for maintenance vehicles – Sufficient space must exist adjacent to a site to allow a hydraulic platform vehicle, often referred to as a 'cherry picker', to park safely. This vehicle is required to allow the antennas at the top of the pole to be accessed and maintained.

71. The following ground based locations were considered and found unsuitable due to failing to meet the above criteria or due to potentially giving rise to a greater level of impact on the surrounding area and/or amenities of local residents than the appeal site:-

- J. Gordon House Road SW, London, NW5 1LT (NGR: 528356, 185695). This site is located on the northern side of Gordon House Road, immediately to the east of the railway bridge. It has the benefit of being outside of the Conservation Area, has tree screening and is away from residential properties. Unfortunately, the pavement is too narrow to accommodate the equipment and a tall structure would be needed to replicate the antenna height achievable at Chester Court. The site has therefore been discounted.
- K. Highgate Road SW, London, NW5 1QT (NGR: 528408, 186067). This site is located on the western side of Highgate Road, opposite the Bull and Last Public House, within the Dartford Park Conservation Area. There is a wide footpath, however a tall structure would be needed to replicate the antenna height achievable Chester Court. The site would have a greater visual impact than the appeal site and has therefore been discounted.
- L. Land at Parliament Hill, adjacent to car park, off Gordon House Road, London, NW5 1LY (NGR: 528295, 185742). This site is located adjacent to the car park, to the south of Parliament Hill Lido. As with the other greenfield sites a tall structure would be needed to replicate the antenna height achievable at Chester Court. In addition, it is located close to the Lido which could cause harm to the heritage asset. The site has therefore been discounted.

72. The location of the sites set out above is shown on the map overleaf for ease of reference, along with the appeal site and the centre of the search area:





**Image 6: Location of discounted options**

73. Existing Telefónica sites shown on the Predictive Coverage plots (copied at **Appendix 1**) were mentioned in the Delegated Report at paragraph 2.12, querying whether these could provide coverage to the area. One of the sites on Grafton Road is included as discounted option A above. The other sites are further from the search area and would therefore not provide coverage to the target area. The sites are:
- Royal Free Hospital, Pond Street, London, NW3 2QG (NGR: 527301, 185405). Site to the west of the appeal site.
  - The Whittington Hospital, Magdala Avenue, London, N19 5NF (NGR: 529069, 186941). Site to the north-east of the appeal site.
74. The site search detailed above led the Appellant to conclude the appeal site is the most suitable option available to achieve coverage objectives and minimise impact on the conservation area. There are no existing base stations available, no superior buildings and structures and no superior location for a ground based structure has been identified. The main difficulty with the search has been trying to identify a location which would not have an unacceptable impact on the character and appearance of the Conservation Area.

75. Previous appeals have dealt with the issue of alternative sites (decision letters for these appeals are attached at **Appendix 5**). An appeal by Orange PCS against Stafford Borough Council addressed the issue. In allowing the appeal the Inspector stated, in addressing local plan policies, *'Nor do I consider it is either realistic or reasonable to take the view that the absence of consideration of every possible option and alternative would mean that this policy was complied with ... PPG8 does not indicate the need to embark on an examination of every possible alternative in an iterative process ... the adequate analysis of feasible alternatives is a more realistic approach.'* (APP/Y3425/A/02/1084110).
76. In 2015 the Planning Inspectorate also found that a lack of alternative options can outweigh the visual impact associated with new installations in locations deemed prominent. In allowing an appeal brought by Vodafone Ltd against the London Borough of Bexley, the Inspector concluded that *"I consider it unlikely that there is an alternative which would meet the operator's needs as effectively but with materially less harm. The need and lack of better alternatives weighs in favour of allowing the appeal. I conclude on balance that whilst the proposal would harm the character and appearance of the locality, this would be outweighed by the need and lack of better alternatives"* (appeal APP/D5120/W/15/3033745). This appeal is relevant due to the lack of suitable alternative sites, although the Appellant considers, with the current Appeal, the proposal would not have a sufficient impact to cause harm to the character and appearance of the locality, including the Conservation Area.
77. The Local Authority has cited concerns about the impact of the appeal proposal on the Conservation Area as justification for refusing planning consent. There are no suitable locations for an installation outside of the Conservation Area. The consequence of this is that the Appellant has no choice but to improve coverage to the area and roll out enhanced 2G, 3G and new 4G services via a new installation within the Conservation Area. With reference to siting within sensitive or protected areas, such as Conservation Areas, The COBP recognises that *"Operators may be able to avoid a specific site (e.g. a Listed Building) but not an entire protected area (e.g. a National Park in which case they should seek to minimise the impact through sensitive design and appropriate siting of the proposals"*.
78. It is the contention of the Appellant that the concerns of the Local Authority have been mitigated through high quality design, with the use of screened antennas in a rooftop location, and equipment cabinets positioned centrally on the roof, and that the appeal proposal would only have a minimal impact which would not be sufficient to cause harm to the character or appearance of the Conservation Area. Further it is contended that any limited harm would be outweighed by the provision of enhanced high quality, reliable wireless communications within the area for Telefónica.
79. A balancing exercise needs to be undertaken to assess whether any impact on the area would be outweighed by the lack of alternative sites and the benefits of the proposed development. In allowing a 2011 appeal brought against the decision of Kingston-Upon-Hull City Council, to refuse planning consent for a new street furniture style telecommunications column and associated equipment housing within a Conservation Area, the Planning Inspector concluded *"To the extent that the proposed pole would be more prominent than the lighting columns or a telephone pole there would be a marginal failure to preserve the appearance of the conservation area, a desirable objective by virtue of section 72 of the Planning (Listed Buildings*

*and Conservation Areas) Act 1990 and the relevant development plan policies. Even so, I am satisfied that the very limited harm caused is outweighed by the deficiency in radio coverage in the surrounding area, the Government's support for the growth of telecommunications systems, the benefits of mast sharing and the lack of suitable alternative locations" (Appeal APP/V2004/A/11/2154903). Although for a greenfield site, the principle that the limited impact is outweighed by the benefits of the proposal.*

80. A further example is a more recent 2016 appeal against the refusal of a street furniture monopole within a conservation area (Appeal reference APP/R5510/W/16/3143922). Paragraphs 9 and 10 of the decision letter state: "*The Framework sets out the importance of an advanced high quality communications infrastructure for sustainable growth and makes specific reference to the development of high speed broadband technology. This is reflected in the London Plan and the public benefit arising from the improvement of the telecommunications infrastructure is a material planning consideration that weighs in favour of the proposal. Taking account of all matters I have concluded that the limited harm caused to the significance of the heritage asset (the CA) would be outweighed by the public benefit that would arise from improving the communications infrastructure.*" It is considered, in this instance, there would also be a limited harm and that this would be outweighed by the public benefit of the proposal and that the balancing exercise weighs in favour of the proposed development.
81. The selected site is suitably located to allow the coverage objectives of Telefónica to be met, is capable of absorbing the proposed development without unacceptable impact on the on the environment including the conservation area. It is considered the proposed site is the optimum suitable available siting option.

#### **5.4 Design**

82. In designing the scheme, the Appellant recognises the need to minimise the level of visual impact of the proposal, having particular regard to its Conservation Area location. A description of the appeal site and proposed works is given within section 3.
83. In terms of design, it is useful to highlight that there are three main elements to a radio base station; the cabin or cabinets which contain the equipment used to generate the radio signal, the supporting structure that holds the antennas in the air or fixes them to a building or structure, and the antennas themselves, which emit the radio signals (along with any necessary amplifier or receiver units). The type of technology to be deployed determines the type of equipment and antennas required, which in turn impacts upon the type of support structure and or design methods than can be employed on an aesthetic level. In order for the base station to effectively provide coverage to the desired areas and fit in with the established network pattern, specific antenna orientations and heights, determined by radio planners, must be also achieved. As noted within the body of the application submitted for this proposal, features of the surrounding area such as existing buildings and trees, referred to as "clutter" must also be cleared in order that they do not block the signals from the antennas. All of this imposes limitations on what can be achieved through site layout and design. Due regard must be had in considering the impact of the selected design to such technical constraints.

84. In this instance, the network radio planners assessed the technical requirements for Telefónica and determined utilising the rooftop of Chester Court would be sufficient to provide an adequate level of coverage.
85. Due to its location within a Conservation Area, and the relative prominence of the building from the Parliament Hill area to the west it was concluded freestanding antennas on the roof would likely have a detrimental impact on the area, hence a more sensitive solution would be required. Glass Reinforced Plastic (GRP) shrouds have been proposed to replicate the existing finish of the building. These shrouds would screen the antennas in three locations on the roof of the building. An information sheet on GRP (Introduction to, appearance and durability of Glass Reinforced Plastic (GRP)) was sent to the Local Authority with correspondence sent during the application. A copy of the information sheet is attached at **appendix 6**. The document also shows examples of the use of GRP in telecommunications development and the quality of its finish.
86. GRP was noted in a recent appeal decision (copied at **appendix 5**) as a material that can be used successfully in Conservation Areas (appeal references APP/X5210/W/17/3174680 and APP/X5210/W/17/3177809). The proposal involves the use of GRP enclosures on a rooftop to screen antennas. At paragraph 17 the Inspector noted: *"Although GRP is a non-traditional material, the introduction and use of modern materials does not necessarily result in harm to the host building or the CA. I am satisfied that colour coding the GRP screen to match the materials on the plant room/stair overrun would result in the structure visually harmonising with the host building."* It is considered that, although the circumstances of this appeal decision differs from the appeal proposal it highlights how GRP can successfully be used in Conservation Areas to minimise the impact of telecommunications development.
87. During the application process, on 24 May 2017, the Local Authority Planning Officer emailed the Agent suggesting amendments to the scheme. It was suggested that the scale and height of the GRP enclosures could be reduced, that they should be moved away from the edges of the roof and be better disguised as chimneys. These suggestions were investigated by designers and a reply was sent on 30 May 2017. It was confirmed that the size of the enclosures could be reduced, however only marginally due to the steel support framework within the enclosures (a draft amendment to the plans was sent with the response). Moving the enclosures away from the edge of the building would result in taller structures being needed. This is because the roof in front of the antennas would clip the signal and it would not propagate effectively and an increase in height would overcome this. Technical constraints such as this faced by the operator were fundamental in formulating the original design and are considered material to the consideration of this case. It was confirmed chimney pots could be added, however this was not considered suitable on a more modern building. A response was received from the Planning Officer on 2 June 2017 confirming he was still concerned about the position and scale of the enclosures, therefore he would need to issue a refusal on this application. This email correspondence is attached at **appendix 7** and the draft amended plans are attached at **appendix 8** (it is confirmed these were not formally substituted).
88. Despite the concerns of the Local Authority it is considered the GRP enclosures on the roof of the building are a suitable to providing coverage to the area. With the enclosures matching the brickwork finish of the building they would not be overbearing in the skyline.

89. Appeal decisions have supported the use of GRP to screen antennas and to minimise their impact to an acceptable level within Conservation Areas. Copies of these are attached at appendix 5. Of particular relevance is a recent appeal by CTIL and Telefónica against the London Borough of Camden (appeal APP/X5210/W/17/3174680) which sought the installation of antennas within sizable GRP screens at roof level. The Inspector noted that "*Whilst the antennae enclosure is functional in its design, it would not be out of character with the bulk, massing and functional design of the plant room/stair overrun. Although GRP is a non-traditional material, the introduction and use of modern materials does not necessarily result in harm to the host building or the CA. I am satisfied that colour coding the GRP screen to match the materials on the plant room/stair overrun would result in the structure visually harmonising with the host building*".
90. Also pertinent is an appeal brought by Telefónica against the decision of the London Borough of Tower Hamlets in 2016 (appeal APP/E5900/A/13/2193056). This proposal was to house antennas within GRP chimney stacks. The Inspector noted the additions would be visible and stated at paragraph 11 "*whilst views of the 'chimneys' would be gained from Roman Road and they would appear as unusual and noticeable features, on balance I consider the development would lead to less than substantial harm to the significance of the heritage asset. The development would have a neutral effect and preserve the character and appearance of the Roman Road Market CA.*"
91. A further decision confirms the use of GRP as a suitable material to be used in sensitive locations. An appeal by Telefónica in Islington (appeal APP/V5570/A/11/2166532) proposed to use GRP to conceal antennas on the roof of the building. In allowing the appeal the Inspector noted at paragraph 6 "*The proposal is an innovative solution intended as a sympathetic design to camouflage the telecommunications equipment that must for operational purposes be "visible" at street level.*"
92. These appeals highlight how GRP can be used to successfully screen antennas within sensitive Conservation Area locations resulting in a less than significant impact on the heritage asset, an impact which is outweighed by the lack of suitable alternative sites and the significant benefits of the proposal.

### **5.5 Impact Of The Appeal Proposal**

93. It is considered the specific siting and design of the equipment would result in the impact of the proposal being kept to a minimum. This impact would not be sufficient to cause harm to the visual amenities of the area, nor to the character or appearance of the Conservation Area. This limited impact would be outweighed by the lack of suitable alternative sites and the significant benefits of the proposal.
94. Photomontages have been produced to illustrate the visual impact of the proposed development on the site and its surroundings. These were included as part of the planning application and are included with the application documents. Photomontage 1.1 is taken looking in a southerly direction towards the site along Lissenden Gardens. Viewpoint 1.2 views the site looking south-west from Glenhurst Avenue, and montage 3.1 views the site in a northwest direction from Gordon House Road. Generally these give viewpoints of the front of

the building. The enclosures would be visible, however their impact is mitigated by the GRP matching the building. The perspective afforded in views 1.1 and 2.1 in particular also demonstrate that the enclosures would appear, from some orientations, commensurate in height with the chimneys and rooftop plant of neighbouring buildings, thus not overbearing or dominant on the skyline. The equipment cabinets are not visible. It is noted the photographs for the montages were taken in January. When the trees are in leaf these would provide substantial additional screening from certain viewpoints.

95. Photomontages 4.1 and 5.1 show views of the building from the rear, from the Parliament Hill area. Again the enclosures screening the antennas would be visible in these near views, however it would not be possible to see the centrally located equipment cabinets. This is a specific viewpoint which raised concerns for the local Authority and was specifically noted in the reason for refusal. Whilst the equipment would be visible it is not considered this would be unacceptable and that the enclosures would come to be accepted as part of the established rooftop infrastructure of the area, of chimneys, plant rooms, handrailing and other rooftop equipment, and the enclosures would not represent incongruous forms of development as the LPA assert. The height of the enclosures, though exceeding the adjacent chimneys when viewed from this angle, is not considered excessive nor this additional protrusion significant enough to cause harm. As with views of the front of the building, the impact of development as viewed from this angle is not considered to be sufficient to cause harm to the host building or immediate surrounding area. That impact would be localised to short distances views. As the distance from the viewing point increases, so the impact would lessen.
96. Viewpoints for the photomontages were chosen as these are locations where the site would be most widely viewed. Different viewpoints will have different levels of screening and different relationships with the buildings and trees in the area, however generally it is considered the siting and sensitive design would minimise the impact of the proposed development to an acceptable level and ensure this impact is not significant. The proposal will therefore not materially harm views and will maintain the character and appearance of the area, contrary to the opinion of the Local Authority.
97. Visibility does not necessarily equate to harm and it is considered that this visibility is balanced by the sensitive design which allows coverage objectives to be met without unacceptable impact on the host building, and without detrimental impact on the character and appearance of the Conservation Area or street scene. It is clear that the proposal will not be unduly obtrusive, nor would it cause significant harm to the character and appearance of this part of the Conservation Area, contrary to the opinion of the Local Authority expressed in their reason for refusal.
98. Overall, the proposal is considered to utilise a sensitive design to ensure there is no unacceptable or harmful impact on views from or of surrounding roads, open spaces or properties. The key features and characteristics of the Conservation Area, as observed, would be also retained and its general character and appearance, and that of the appeal site itself, would be preserved.

## **Section 6: Summary & Conclusion**

99. The Appeal proposal has been designed to keep any impact on the host building and surrounding area to a minimum, utilising GRP enclosures which would conceal the antennas from public view. As demonstrated in this statement, the Local Authority's concerns in relation to the visual impact of the development on the Appeal site and wider area, including the Conservation Area are unfounded and the proposal to install a sympathetically designed base station at the appeal site is entirely in accordance with national and local planning policies.
100. The appeal proposal seeks to introduce a single base station installation in order to provide Telefónica with coverage for multiple technologies. The Appellant has, therefore, significantly reduced the overall impact of network development in the area.
101. It is contended that the level of visual impact associated with the Appeal proposal is outweighed by the need for the development in the wider public interest and that the Local Authority did not give sufficient weight to this need, nor to the very limited potential siting opportunities.
102. It is submitted that there is no conflict between the Appeal proposal and planning policy and that the Local Authority, therefore, refused the planning application in a manner that is not consistent with local or national planning policy guidance.
103. For these reasons, the Inspector is respectfully requested to allow the appeal and grant permission for the proposed development.