



Appeal Decision

Site visit made on 8 July 2013

by Ann Skippers BSc (Hons) MRTPI

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

Decision date: 31 July 2013

Appeal Ref: APP/E5900/A/13/2193056

Dennis House, 553 Roman Road, Tower Hamlets, London E3 5ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Telefonica UK Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/12/01764, dated 31 May 2012, was refused by notice dated 14 August 2012.
 - The development proposed is 'telecommunications development comprising the installation of 2 no. GRP chimney stacks each containing 1 no. antenna, 1 no. pole mounted antenna and 5 no. equipment cabinets on the roof of the property, along with 1 no. meter cabinet at ground level and development ancillary thereto'.
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Decision

1. The appeal is allowed and planning permission granted for 'telecommunications development comprising the installation of 2 no. GRP chimney stacks, each containing 1 no. antenna, 1 no. pole mounted antenna and 5 no. equipment cabinets on the roof of the property, along with 1 no. meter cabinet at ground level and development ancillary thereto' at Dennis House, 553 Roman Road, Tower Hamlets, London E3 5ER in accordance with the terms of the application, ref PA/12/01764, dated 31 May 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100A, 200A, 300A and 401A.
 - 3) Notwithstanding the details shown on the approved plans, no development shall take place until details of the colouring of the glass-reinforced plastic shrouds housing the antennas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter unless otherwise agreed in writing by the local planning authority.

Procedural Matter

2. Since the determination of the planning application, the Council has adopted the Managing Development Document (MDD) on 17 April 2013. Policies in the Unitary Development Plan and Interim Policy Guidance referred to in the
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decision notice have therefore been removed and should no longer be used. I must determine this appeal on the relevant policies that apply now.

3. I noted at my visit that there is telecommunications equipment on the building's roof and the correspondence between the parties about this, but this is not a matter before me.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Roman Road Market Conservation Area.

Reasons

5. The site lies within the Roman Road Market Conservation Area (CA). There is a statutory requirement to have regard to the desirability of preserving or enhancing the character or appearance of the CA in accordance with section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
6. The National Planning Policy Framework (the Framework) states that the need for the telecommunications system should not be questioned. It supports this infrastructure recognising it is essential for sustainable economic growth and plays a vital role in enhancing the provision of local community facilities and services. This stance is reflected in the relevant policies in the London Plan. Where development would lead to less than substantial harm to the significance of a heritage asset, the Framework advises this harm should be weighed against the public benefits of the proposal.
7. The Council's concern relates to the introduction of two GRP chimney stacks to either side of the frontage of Dennis House to accommodate two antennas and I have limited my comments to this aspect as I have no reason to disagree with the Council's views on the other elements of the proposal.
8. Dennis House is situated on the busy thoroughfare of Roman Road. It is a four storey building with commercial uses on the ground floor and residential above, a fairly typical mix of uses along this road. Although there are a variety of building styles in the vicinity, most buildings are of two – four storeys in height and, given this, the scale of buildings is predominately low. Dennis House is quite prominent in the street scene, exacerbated by a small front projection and red brick materials which are unusual in this run of buildings, despite buildings of four storeys either side.
9. In general the low-key scale of the buildings is mirrored by a relatively uncluttered roofscape of flat roofs, parapets and mansards. The 'chimneys' would protrude above the existing parapet wall of Dennis House and be visible against the skyline from views along Roman Road.
10. The Framework encourages the use of existing buildings, but makes it clear that equipment should be sympathetically designed and camouflaged where appropriate. The character of the CA is defined by the lively and busy thoroughfare of Roman Road and the overall scale of the streetscape rather than by the roofscape of the buildings in this run. This is confirmed by the Council's Conservation Area Character Appraisal 2009. Whilst other chimneys in the locality are few and far between and those that do exist are generally

not sited along the frontage, the use of this building would allow the required antenna heights to be achieved and the proposed 'chimneys' would be suitably designed and camouflage the antennas. As my colleague in determining appeal ref: APP/V5570/A/11/2166532 pointed out it is likely at street level the contrived appearance of the 'chimneys' would be less apparent. A condition can be imposed to ensure a matching appearance.

11. Therefore 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 in accordance with the statutory duty and Core Strategy 2010 Policy SP10 and MDD Policies DM24 and DM27.
12. There is no doubt that the proposal would result in enhanced 2G and 3G coverage for the area and network. Supporting information indicates that the development has been designed to allow shared use. A list of alternative sites that have been considered, but rejected for various reasons has also been provided. Consultations took place with organisations with an interest in the proposal as outlined in paragraph 45 of the Framework. Bearing in mind the advice in the Framework, the public benefit of the proposal outweighs the less than substantial harm to the significance of the heritage asset.
13. Local residents express concerns about the health implications of the proposal and its proximity to a local school. The Framework advises that if the proposal complies with ICNIRP guidelines, as in this case, it is not necessary to determine health safeguards. Account has been taken of the genuinely held concerns regarding health matters. However, bearing in mind that there is little objective evidence to support local fears and the proposal complies with the ICNIRP guidelines, these concerns are not sufficient to justify refusing permission.
14. Other concerns raised by interested parties not covered elsewhere in this decision have been considered, but do not alter the conclusion that the appeal should be allowed.
15. I have considered the conditions put forward by the Council in the light of the advice in Circular 11/95. In addition to the standard commencement condition, a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning is necessary. A condition relating to the detailed finishes of the replica chimney stacks is necessary to safeguard the character and appearance of the area bearing in mind the site's location within a Conservation Area.
16. For the reasons given above and having had regard to all other matters raised, the appeal should be allowed.

Ann Skippers

INSPECTOR