



Appeal Decision

Site visit made on 10 January 2018

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2018

Appeal Ref: APP/X5210/W/17/3185875

Chester Court, Lissenden Gardens, London NW5 1LY

- 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 CTIL and Telefonica UK Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref: 2017/1353/P, dated 7 March 2017, was refused by notice dated 8 June 2017.
 - The development proposed is the installation of 6no. antennas within 3no. glass-fibre reinforced plastic (GRP) enclosures, 3no. equipment cabinets and ancillary works thereto.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Camden Local Plan 2017 (the Local Plan) was adopted by the Council on 3 July 2017, after the planning application that forms the subject of this appeal was determined. The reason for refusal refers to Policy CS14 of the Camden Core Strategy and Policies DP24 and DP25 of the Camden Development Policies. It also makes reference to Policies D1 and D2 of the Local Plan, describing these as emerging policies. On adoption the Local Plan replaced both the Camden Core Strategy and the Camden Development Policies in their entirety. Local Plan Policies D1 and D2 are essentially similar in content to the policies that they replaced and as the Local Plan is now the current development plan for the area the appeal falls to be determined on the basis of Local Plan Policies D1 and D2.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the Dartmouth Park Conservation Area.

Reasons

4. The appeal building is a five storey block of flats with a sixth floor of accommodation within a mansard roof. It is located within the Dartmouth Park Conservation Area.
5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a

- Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Paragraph 132 of National Planning Policy Framework (the Framework) also requires that great weight should be given to the conservation of heritage assets.
6. Policy D1 of the Camden Local Plan 2017 (the Local Plan) expects new development to be of a high quality of design that has regard to its context and preserves or enhances the historic environment, whilst Local Plan Policy D2 seeks to ensure that new development preserves or enhances the character and appearance of conservation areas.
 7. The Dartmouth Park Conservation Area is largely residential in character with a small number of other uses scattered through it, either as individual buildings, or in small groups. The built form is also varied with a range of architectural styles present. The section of the conservation area where the appeal site is located has a larger scale of development that is denser and taller than in other parts of the area. Lissenden Gardens is a tree lined street largely comprised of four and five storey, red brick, mansion flat blocks with projecting bays linked by balconies and with a lively roofscape containing gables, dormers and chimneys. The appeal building and its neighbour are more modern additions with a simpler architectural form which has some echoes of the adjacent mansion blocks.
 8. There are two storey houses on Glenhurst Avenue. On Gordon House Road, dwellings with two storeys plus an attic and semi-basement, adjacent to a block of five storey flats, face a small commercial area consisting of a two storey, flat roofed, building occupied by a garage on the junction with Lissenden Gardens and a long, three storey, building (Spectrum House) operating as a business centre.
 9. The west side of Lissenden Gardens, where the appeal building is located, backs onto Parliament Hill Fields, which is beyond the conservation area boundary, and forms a built edge to the area of open space. The Dartmouth Park Conservation Area Appraisal and Management Statement 2009 (CAAMS) identifies the view from Parliament Hill Fields as an important view into the conservation area.
 10. The appeal scheme proposes the installation of a mobile telecommunications base station with six antennae, within GRP shrouds to emulate chimneys, located at the edge of the building's roof and three small equipment cabinets located next to an existing rooftop plant room. Chester Court is a taller structure than the adjacent mansion flat blocks and due to the height of the proposed shrouds to screen the antennae, and the largely flat roof structure of the building, these would be prominent skyline features. The adjoining mansion flats also feature prominent chimneys but, due to Chester Court's greater height and roof form, the structures to conceal the antenna would appear as a much more intrusive feature and the arrangement of the shrouds on the building would be visually inconsistent with the regular pattern and arrangement of chimney stacks on the adjoining mansion blocks.
 11. I saw when I visited the site that the rear of the building is very visible from the car park at the principal entrance to Parliament Hill Fields Lido and is also widely visible in numerous middle distance views from the footpath network within the open space, where the rising ground provides an elevated viewpoint. I consider that, as a result of its prominence and visual inconsistency with the

- existing roofscape, the development would be harmful to the key view identified in the CAAMS.
12. In closer views and those views from Lissenden Gardens, I accept that GRP can be formed in a convincing facsimile of brickwork and, due to the height above ground that the structures would be located, any slight difference from the real brickwork would not be particularly noticeable. However, the relationship of false chimneys to existing roof structure and built form of the block would not be visually logical due to the placement of the new structures. In particular, on the wing of the building that projects towards the highway of Lissenden Gardens, the false chimney would be located directly above windows in the flats below, which is not where a functional chimney would be situated. This visual incongruity would exaggerate the presence of the structure on the building and it would not appear as an authentic part of the building. This does not represent a high standard of design and would not meet the requirements of Local Plan Policy D1. The Framework requires that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
 13. Due to its forward projection this part of the appeal building is also visually prominent in views from Lissenden Gardens when approached from both the north and the south. The CAAMS identifies roofscapes as important to the character and appearance of the conservation area and seeks to prevent inappropriate alterations at roof level. The more stark and simple form of the proposed development would be inconsistent with the attractive roof level features that are present on the mansion flats.
 14. I have had regard to the appellant's point that technical constraints dictate the size of the enclosures and I have also noted the point that positioning the antennae away from the edge of the roof would affect the level of coverage that could be achieved. Whilst indicative coverage diagrams have been provided which show the predicted level of coverage that would be achieved by the appeal scheme, I have no evidence in respect of the effect on coverage that would result from alternative placements on the building and, consequently, can give little weight to this point.
 15. I therefore find that the proposed development would be harmful to the character and appearance of the conservation area due to the harm that would be caused to features of significance identified in the CAAMS. However, due to the relatively small scale of the proposal, this harm would be less than substantial.
 16. Paragraph 134 of the Framework requires that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits of the proposal. It is Common ground the proposed development would improve mobile phone coverage in the area. The Framework is supportive of the development of telecommunications networks subject to keeping the number of installations to a minimum consistent with the efficient operation of the network. Although the level of additional coverage that would be achieved by the installation is described by the appellant as the ideal to be sought, it is apparent from the indicative coverage diagrams provided that there is currently relatively complete coverage in the area. Whilst the appellant cites public need for their services and the Framework is clear that the need for telecommunications

systems should not be questioned, only generalised benefits to the public are identified and the proposal would only result in improved coverage on one of a number of mobile phone networks. Nonetheless, moderate weight can be given to this improvement in service provision.

17. I have also had regard to the appellant's point regarding the availability of alternative sites. No assessment of alternative sites was provided at the planning application stage, however, an assessment of a number of alternatives was submitted with the appeal. The Council accept that the alternative site assessment is reasonably comprehensive and I note that a building that the Council suggest has not been considered is included in this assessment under a different address. I also had the opportunity to view these alternative sites during my site visit. The lack of suitable alternative sites weighs significantly in favour of the proposal.
18. Local Plan Policy D2 requires that development within conservation areas preserves or where possible enhances the character and appearance of the area and sets out that development which would result in less than substantial harm will not be permitted unless the public benefits convincingly outweigh that harm. The Framework is also clear that great weight should be given to the preservation of heritage assets. Although on the evidence before me there are no alternative, suitable, sites for the proposed installation and this weighs in favour of the proposal together with some moderate public benefit arising from improved telecommunications coverage, the proposal would, nonetheless, cause real and lasting harm to the character and appearance of the conservation area, and features that are identified as important to its significance, due to its poor design. I do not consider that this harm would be outweighed by either the moderate public benefits of the proposal, and/or, by the constraints on site availability.
19. I therefore conclude that the proposed development would cause harm to the character and appearance of the Dartmouth Park Conservation Area. It would be contrary to the relevant requirements of Policies D1 and D2 of the Local Plan which seek to ensure that new development is of a high standard of design that has regard to its context and preserves or enhances the historic environment and the character and appearance of conservation areas.

Conclusion

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

John Dowsett

INSPECTOR