



Appeal Decision

Site visit made on 5 September 2018

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th September 2018

Appeal Ref: APP/X5210/W/18/3196921

Loudoun Road, 63 Loudoun Road, London NW8 0DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by EE Ltd & ESN (Emergency Services Network) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/7095/P, dated 9 December 2017, was refused by notice dated 5 February 2018.
 - The development proposed is telecommunications installation 12.5m high HEL Telegraph Pole on new D6 Root Foundation and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the Alexandra Road Conservation Area (the CA) and preserve the setting of the Grade II listed buildings comprising Loudoun Road housing, shops and craft workshops (north block - 61-83 Loudoun Road, 1-8 Langtry Walk; and south block - 49-59 Loudoun Road, 2-62 Alexandra Place) (the north block and south block LBs respectively), and in the event that any harm is identified, whether that harm would be outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) sets out in Schedule 2, Part 16, Class A that development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of, amongst other things, the installation, alteration or replacement of any electronic communications apparatus, or development ancillary to radio equipment housing, is permitted development subject to certain criteria set out in paragraph A.1 and conditions set out in paragraphs A.2 and A.3. The Council has not raised any issues in respect of paragraph A.1 and I have no reason to conclude differently.
4. However, paragraph A.3(4) states that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and

appearance of the development. My determination of this appeal relates to the Council's refusal of such approval.

5. The appeal site is located at the eastern end of the CA which as whole is characterised by a variety of building designs. In the vicinity of the site, the north and south block LBs, relating to a mixed complex including housing, shops and craft workshops, as a whole have a distinctive and clearly expressed design, including in terms of the scale, use of materials and architectural detailing.
6. The proposal would be sited on the footway adjacent to and in close proximity to the north block LB. That LB is currently seen clearly in its own right in between the railway and Alexandra Place, largely unhindered in respect of surrounding structures or street furniture. There are existing nearby lamppost columns. However they are slender and of lower height than the LB thereby not prominent or detracting features. Likewise, existing flues to the rear of the building, whilst prominent when seen from the rear and the approach from the railway bridge, are set away from the road elevation and not dominant features generally. I also observed that the telephone box shown on the submitted plans had been removed.
7. A distinctive aspect of the north block LB is its stepped and curved profile as expressed on the end elevations. The proposed column would be relatively thick compared with the nearby lampposts, rising to a height noticeably greater than at least the nearest rear element of the LB. As such, it would introduce a prominent vertical feature into the immediate streetscene that would conflict with that distinctly non-vertically aligned profile of the LB. Furthermore, due to its height, it would dominate the skyline from some nearby vantage points along Loudoun Road and Alexandra Road where that distinct shape to the LB is currently seen in greater isolation against the sky.
8. The above factors would therefore cause the proposed column to draw the eye disproportionately away from the LB, significantly detracting from its current largely unencumbered setting. There is a nearby street tree but that is set apart from the proposed siting of the column and only small in size so as to be unlikely to provide any significant screening or softening. The design is intended to appear as a telegraph pole. However, there are no such existing features in the vicinity of the site so as to set a context for such a design. It would therefore not appear as an expected feature of the streetscene, even if painted a different colour. For these reasons, it would stand out as a jarring, intrusive and dominating feature in the context of the CA and the setting of the north block LB.
9. Due to the degree of separation from the south block LB, and also the Grade II* LBs of the Alexandra Road estate to the west, it would be unlikely to cause material harm to their settings. However, that would not mitigate the harm that I have found would be caused in respect of the north block's setting and the CA.
10. With regard to paragraphs 193, 194 and 196 of the National Planning Policy Framework (the Framework), harm to the significance of the CA and the setting of the north block LB would be less than substantial due to the relatively small scale of development involved. In considering the need for the proposal, Government policy, as set out in the Framework states that advanced, high

quality and reliable communications infrastructure is essential for economic growth and social well-being.

11. The intended improvements in coverage weigh strongly in favour of the location, and, in this respect, I have also had regard to the search conducted by the appellant identifying a lack of less harmful alternative sites, and note that no specific alternative sites have been identified by the Council for consideration. The appellant also highlights that the location concerned is the optimum for direct coverage into the nearby railway tunnel mouth and that the proposed height is also necessary in that respect and for coverage generally. It is also highlighted that it would have the benefit of providing for multiple users in terms of minimising the demand for further masts in the area. However, in this case, such benefits would be insufficient to outweigh that less than substantial harm referred to above.
12. For the above reasons, the proposal would fail to preserve the character and appearance of the CA and the setting of the north block LB, and its benefits would not convincingly outweigh that harm. As such it would be contrary to policies D1 and D2 of the London Borough of Camden Local Plan which together relate to securing high quality design in development and preserving and, where appropriate, enhancing heritage assets and their settings.

Other matter

13. Concerns have been raised by local residents about the potential effects of the proposal on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. This however does not deflect from my findings in respect of the main issues.

Conclusion

14. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR