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## Appeal Decision

Site visit made on 16 June 2020

**by Adrian Hunter BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> July 2020**

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**Appeal Ref: APP/T0355/W/20/3246710**

**Intersystems House, 70 Tangier Lane, Eton SL4 6BB**

- 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 Cornerstone and Telefonica UK Limited against the decision of Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 19/01569, dated 7 June 2019, was refused by notice dated 9 September 2019.
  - The development proposed is the installation of 2no. GRP chimneys housing 6no. antennas and ancillary works thereto.
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### Decision

1. The appeal is allowed and planning permission is granted for the installation of 2no. GRP chimneys housing 6no. antennas and ancillary works at Intersystems House, 70 Tangier Lane, Eton SL4 6BB in accordance with the terms of the application, Ref 19/01569, dated 7 June 2019, subject to the following conditions:
  1. The development hereby permitted shall be commenced within three years from the date of this permission.
  2. The development/works hereby permitted shall only be carried out in accordance with the following approved plans: Plan 100 A - Site location maps; Plan 201 A – Site plan proposed; and Plan 301 A – North elevation proposed, all received on 24 June 2019.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the Eton Conservation Area (CA) and the setting of nearby listed buildings

### Reasons

3. The Eton Conservation Area Appraisal (November 2009) SPD identifies that the significance of the CA comprises six principal components, one of which is the retention of the original street pattern. Within the CA there are a variety of designs and types of buildings, including a number of listed buildings. Buildings vary in height, which lends character and visual interest to the street scene. The significance of the CA therefore lies in the architectural quality and interest of the buildings within it, and the retention of historic street patterns and connections.

4. The appeal site comprises the roof top of a three storey, modern office building, located on the corner of Eton High Street and Tangier Lane. The third floor is provided via a mansard roof. The flat roof contains a number of structures, including a pitched roof plant room. The height of the building is similar to those of surrounding buildings. High Street is a busy, commercial area with the ground floors of buildings being a mix of town centre uses. Along Tangier Lane, the predominate land use becomes residential, with a mix of houses and more modern infill flatted developments.
5. The appeal proposal would involve the installation of telecommunication equipment on the existing rooftop enclosure. The antennas would be hidden within two structures that would be coloured and textured so to appear as chimneys.
6. The host building lies in a prominent corner position, close to an important junction along High Street. However due to the design and orientation of the host building, the height and tight urban grain of the surrounding properties, and the positioning of the equipment, views of the proposed development would be limited. Nevertheless, the structures would be visible from local vantage points within the street scene, in particular from along Tangier Lane and at the junction with High Street. In these views, they would stand out as being taller features than other structures on the building.
7. An important characteristic within the CA is the interesting roofscape of the buildings when viewed from street level. Within these views, chimneys and other roof design features are clearly visible. In this respect, the proposal to disguise the development as false chimneys would appear sensible. However, unlike the majority of the surrounding buildings, the host building is a modern, purpose-built office development. Therefore, the installation of chimneys would be inconsistent with the overall design and appearance of the host building. The development would appear as an incongruous design feature in relation to the overall appearance of the building.
8. I have had regards to my duty under S72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Accordingly, I conclude the proposal would cause less than substantial harm to the significance of the Eton Conservation Area as a designated asset. Paragraph 196 of the National Planning Policy Framework (The Framework) requires such harm to be weighed against the public benefits of the proposal.
9. For these reasons, the proposed development would fail to preserve or enhance the character or appearance of the Eton Conservation Area as a designated heritage asset, although this would be of moderate harm due to the limited visibility of the proposal. Therefore, in this respect, the proposed development would not accord with Policy DG1 of the Local Plan and Policies HD3 and HD5 of the Eton and Eton Wick Neighbourhood Plan which, amongst other things, require development within a conservation area to preserve or enhance all features that contribute positively to the area's character, appearance or setting.
10. There are a number of listed buildings close to the appeal site, which are of architectural significance and make an important contribution to the surrounding historic street scene. Views of the proposal from around the site are limited to glimpses and would be largely obscured by existing buildings,

therefore in this respect, the proposed development would not be seen in isolation in views towards the nearby listed buildings, thereby having a neutral effect on these heritage assets. Nor would it be seen against the backdrop of Windsor Castle. As such, I am satisfied that the proposal would preserve the setting of these heritage features and, in this regard, accords with Policies CA2 and LB2 of the Local Plan.

### *Planning Balance*

11. In line with paragraph 196 of the Framework, a balancing exercise should be undertaken between less than substantial harm to the significance of the conservation area on the one hand, and the public benefits of the proposal, on the other. I give considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the conservation area as set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. This is reflected in paragraph 193 of the Framework, which confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset. Paragraph 194 of the Framework also requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
12. In support of the appeal application, the appellant submitted a list of alternative sites investigated, which included existing streetworks, alternative rooftops and greenfield locations, but all were discounted. Having reviewed the information provided, I find that the sequential approach follows accepted best practice and policies contained within the Framework and, as a result, provides sufficient justification to support the need for the development. On this basis, I have no evidence to suggest that there is a more viable option than the appeal site for the required facility.
13. Paragraph 112 of The Framework states that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communication networks, including next generation mobile technology. The public benefit arising from the improvement of the telecommunications infrastructure is a material planning consideration that weighs in favour of the proposal.
14. I have also had regard to the previous planning permission for a similar development on the site which was granted in 2011. Although, given this has now lapsed, it carries limited weight in my consideration.
15. Taking all of the above public benefits, in particular the support given within the Framework for the delivery of mobile technology and the absence of suitable alternative sites within the vicinity and applying the balancing test of paragraph 196 of the Framework, I am of the view that taken together, these provide a clear and convincing justification to outweigh the considerable importance and weight to the desirability of conserving the heritage asset, which in this case is the Eton Conservation Area.
16. Therefore whilst the proposal would conflict with Policy DG1 of the Local Plan and Policies HD3 and HD5 of the Eton and Eton Wick Neighbourhood Plan as discussed above, in this particular instance, there are significant and important material considerations which indicate that development should be allowed;

and thereby justify making a decision not in accordance with the development plan.

**Conditions**

17. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. A standard implementation condition, along with a requirement to implement the scheme in accordance with the approved plans is necessary. A condition has been suggested with regards to the external finish of the proposed development, however I note that this is detailed on the approved plans, therefore such a condition is not necessary.

**Conclusion**

18. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

*Adrian Hunter*

INSPECTOR