



## Appeal Decision

Site visit made on 27 April 2021

**by David Smith BA(Hons) DMS MRTPI**

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

**Decision date: 07 May 2021**

---

### **Appeal Ref: APP/X5210/W/20/3262344**

### **Monmouth House, Raglan Street, London, NW5 3BX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England ) Order 2015 (as amended).
  - The appeal is made by Cornerstone, Telefonica UK Ltd and Vodafone Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref 2020/3008/P, dated 1 July 2020, was refused by notice dated 17 August 2020.
  - The development proposed is the installation of 12 no pole mounted antenna (top height of masts 41.75m AGL from ground level/6m from roof level), 4 no dishes, equipment cabinets and ancillary development thereto.
- 

### **Decision**

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the installation of 12 no pole mounted antenna (top height of masts 41.75m AGL from ground level/6m from roof level), 4 no dishes, equipment cabinets and ancillary development thereto at Monmouth House, Raglan Street, London, NW5 3BX in accordance with the terms of application Ref 2020/3008/P, dated 1 July 2020, and the plans submitted with it.

### **Main Issue**

2. Because this is an application for prior approval the provisions of the 2015 Order require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. This appeal will be determined on the same basis.
3. Therefore the main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area including the setting of the Inkerman and Bartholomew Conservation Areas.

### **Reasons**

4. The proposal would be on top of Monmouth House which is a 13-storey residential tower block. There is already telecommunications equipment for high speed broadband on the roof. The proposed development is intended to provide sufficient coverage and capacity in the NW5 area of Kentish Town to replace the previous site at 265/267 Kentish Town Road and the current one at 379 Kentish Town Road. Both of these sites have been the subject of unsuccessful appeals (APP/X5210/C/18/3199851, 3201008 & 3219021) and the works at No 379 are due to be removed by the end of March 2022.

5. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies D1 and D2 of the Camden Local Plan and Policy D3 of the Kentish Town Neighbourhood Plan are material considerations as they relate to issues of siting and appearance. In particular, they seek to secure high quality design and to preserve the settings of Camden's heritage assets. Similarly, the National Planning Policy Framework is also a material consideration and this includes a section on supporting high quality communications.
6. The Framework indicates that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The expansion of electronic communications networks should generally be supported. However, the number of sites should be kept to the minimum and the use of existing buildings is encouraged. Equipment on new sites should be sympathetically designed and camouflaged where appropriate. Whilst Monmouth House is already used for communications equipment this does not mean that visual considerations are of no importance.
7. The need for an electronic communication system should not be questioned according to the Framework. In this case the Council does not object to the principle of a telecommunications installation at the site but rather believes that a different design solution should be devised. However, the appellant companies have provided details of the other options considered for the siting and appearance of the development on the roof. These include reducing the number of antennas, mounting them horizontally and different ways of fixing them. However, all of them have been ruled out because of technical and operational constraints.
8. In particular, 360 degree coverage is required which is both to maintain existing services and for new 5G services. There are also structural and practical limitations as to how and where equipment can be installed on the roof. There is no clear evidence to dispute these findings. The pre-application consultation was for the antennas and equipment to be fixed to the edge of the roof. However, the Council indicated that they should be brought towards, and attached to, the central plant room. That is what is now proposed and weight should be attached to the fact that the proposal follows the specific advice given by the local planning authority.
9. The antennas would be 2.2m high and mounted on 6m poles attached to the corners of the plant room. They would project 1.35m above it. The installation would be much bulkier than the existing slender masts. At the pre-application stage it was not anticipated that the proposal would need to be increased in height compared to the original option but it stands to reason that adequate sight lines are required for the equipment to operate satisfactorily.
10. The magnitude of Monmouth House and its size compared to the prevailing height of buildings in this part of Kentish Town means that the proposal would be widely visible. As well as from within private properties and gardens the installation would be seen in the public realm from various places including Kentish Town Road, Regis Road, Holmes Road, Raglan Street, Inkerman Road, Anglers Lane, Galsford Street and Caversham Road. Whilst much of the installation would be viewed against the plant room the tops of the antennas

would puncture the skyline and so stand out in both close and medium distance views. Infrastructure of this kind is not aesthetically pleasing in itself. Nevertheless it would be a minor component of the overall composition of this large block so that the eye would not always be drawn to it. That said, purely on visual grounds it would be preferable if the roofline of Monmouth House could be left as it is.

11. In considering whether prior approval should be granted some consideration should be given to other locations that might be feasible. The Inspector who dealt with the appeal at 265/267 Kentish Town Road found that installation to be particularly incongruous and at No 379 the finding was that the roof installations were unacceptably intrusive. From the evidence provided and from what I was able to see for myself the proposal would have much less impact than either of these developments because they were or are readily visible from street level. However, the fact that the proposed development would be an improvement on unacceptable ones is not a reason to approve it.
12. The appellant companies have discounted alternative options in Kentish Town Road because they would have a greater impact on visual amenity. That proposition is not contested by the Council. Whilst details of the actual impacts are limited it is reasonable to imagine that the consequences would be similar to those experienced at Nos 265/267 where an unsightly installation loomed above this main thoroughfare.
13. The Inkerman Area Residents Association has suggested sites within the Regis Road Industrial Estate. Regis Road is close to the existing site at No 379 which appears to be providing adequate signal strength at present. On the face of it this is attractive but the appellant companies advise that it is too far to the north west of the target area to replicate the coverage provided from Nos 265/267. Indeed, the site at No 379 is at the far eastern end of Regis Road. Furthermore, the current position regarding mobile signals is not necessarily a complete answer given that there are likely to be longer-term capacity issues including the introduction of 5G. Therefore, there is nothing to clearly contradict the appellants' position and it is notable that the Council do not promote Regis Road as an alternative.
14. Both main parties refer to recently approved antennas at Taplow, Adelaide Road and at Grangemill, Ingestre Road. Compared to Taplow there is a plant room at Monmouth House which would provide a backdrop to much of the proposed installation. The scheme at Grangemill is similar to the appeal proposal but the antennas would exceed the highest part of the building by 3m. Nevertheless that development would have been assessed in the context of its own surroundings. Therefore neither of these approved installations have much bearing on the outcome of this appeal.
15. Monmouth House is situated between the Inkerman and Bartholomew Conservations Areas on either side of Kentish Town Road. The Inkerman Conservation Area comprises dense and homogenous development where most of the buildings date from the 1850s and 1860s. The Bartholomew Conservation Area is also largely residential and comprises compact and well-preserved Victorian development with a clearly defined boundary. Significance can derive from the setting of a heritage asset as well as its physical presence. However, because of their nature and containment, the main significance of

these heritage assets emanates from their internal qualities rather than from their links to the wider area.

16. The Framework defines setting of a heritage asset as the surroundings in which it is experienced. Furthermore, great weight should be given to the conservation of assets. As noted previously, the proposed development would be seen from a number of places on the edge of the respective conservation areas. However, that does not automatically mean that there would be an adverse impact. In this case the significance of both heritage assets is found within their defined areas. The surroundings beyond them including Monmouth House contribute very little to that significance. It follows that the proposal would not detract from the overall value of these heritage assets.

### **Other Matters**

17. Concerns have been raised about potential effects on health especially bearing in mind the proximity to a school. 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.

### **Conclusions**

18. National policy supports the delivery of digital infrastructure and also favours the use of existing buildings over new sites. Monmouth House is already a telecommunications site. If reliable digital connectivity is to be achieved at local level both now and in the future an installation is required to replace the former and current sites. The appellant companies have thoroughly investigated other options and there is no strong evidence to deny the claim that this is the best available design subject to the technical and operational constraints that exist.
19. On the other hand, the tops of the antennas would protrude above the prominent and clean roofline of Monmouth House and would have a negative effect on the locality. The proposal cannot be described as high-quality design. However, the significance of the adjoining conservation areas would not be compromised given that their attributes mainly derive from the buildings and layout within them rather than their immediate setting.
20. The prior approval process does not require the best available location to be selected. Nevertheless, no alternative has been put forward that would clearly be superior to the proposal in visual terms whilst at the same time providing the required coverage. The absence of a feasible and practical site elsewhere in this part of Kentish Town is a highly significant factor. Given the importance attached by the Government to high quality communications and the public benefits, my conclusion is that prior approval should be granted.

### **Conditions**

21. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the

development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

**Final Conclusion**

22. For the reasons given, and having regard to the representations received, including those from the Residents Association and the Raglan Estate Tenants and Residents Association, the appeal is allowed and prior approval given.

*David Smith*

INSPECTOR