

Date: 28/09/2021
Your Ref: APP/X5210/W/21/3274361
Our Ref: 2020/4214/P

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The Planning Inspectorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Appeal by Cornerstone and Telefonica UK Limited & Vodafone Limited
Site Address: Hill View, 2-4 Primrose Hill Road, London, NW1 8AX

I write in connection with the above appeal against the refusal of planning permission (Ref: 2020/4214/P) for the ***Installation of telecommunications equipment at main roof level including 6 pole-mounted antennas, 2 x 300mm dishes, 4 cabinets and ancillary works thereto.***

1.0 Summary

- 1.1 The application site is located on the south eastern side of Primrose Hill Road and relates to a 9-storey block of residential flats. The property is not listed nor is it located within a conservation area, however, it is a sensitive and prominent site. It lies adjacent to the boundary of the Primrose Hill Conservation Area, adjacent to Grade II listed St George's Terrace and directly faces Primrose Hill, which is designated Metropolitan Open Land. The site is also adjacent to Ainger Road, numbers 1-29, 30-45 and 46-57 are identified as heritage assets on Camden's local list.
- 1.2 On 17/4/2020, planning permission was refused for installation of 12 pole mounted antennae, 2x 300mm dishes and ancillary kit at main roof level on design grounds.
- 1.3 Subsequently, Prior Approval was refused again on 04 November 2020 for the installation of telecommunications equipment at main roof level including 6 pole-mounted antennas, 2 x 300mm dishes, 4 cabinets and ancillary works thereto. It was refused on design grounds for the following reasons:

The proposals, by reason of their location, scale, height and design, would result in visual rooftop clutter which would cause harm to the character and appearance of the host property, local views including those from Primrose Hill, the nearby Primrose Hill Conservation Area and the setting of adjacent listed buildings, contrary to policies D1 (Design), D2 (Heritage) and A2 (Open space) of the London Borough of Camden Local Plan 2017.

- 1.4 The Council's case is set out in detail in the attached Officer's Report and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal and many objections. A copy of the report was sent with the questionnaire.
- 1.5 In addition to the information sent with the questionnaire, I would be pleased if the Inspector could also consider the following information and comments before deciding the appeal.

2.0 Status of Policies and Guidance

- 2.1 In determining the above mentioned application, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The full text of the relevant policies was sent with the questionnaire documents.
- 2.2 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 and has replaced the Local Development Framework Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reasons for refusal are:

A1 Managing the impact of development
A2 Open space
D1 Design
D2 Heritage

- 2.3 The Council also refers to the following supporting guidance documents:

CPG Design (2019)

- Section 2: Design Excellence

CPG Amenity (2019)

- Section 2: Overlooking, privacy and outlook

CPG Digital Infrastructure (2018)

- Telecommunications Equipment

Primrose Hill Conservation Area Statement (2000)

2.4 The Council also refers to the following legislation, policies and guidance within the body of the Officer's Report:

Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

National Planning Policy Framework (2019)

- Section 10 – Supporting high quality communications
- Section 13 – Protecting Green Belt land: Paragraphs 143 (147 NPPF 2021) and 144 (148 NPPF 2021)
- Section 16 – Conserving and enhancing the historic environment Paragraphs 190 to 197 (195 to 197, and 199 to 203 of NPPF 2021)

NPPF 2021

London Plan (2016)

- Policy 7.17 – Metropolitan Open Land

London Plan Intend to Publish (2019)

- Policy G3 Metropolitan Open Land A.1

3.0 Comments on the Appellant's Grounds of Appeal

3.1 The appellant's grounds of appeal are summarised as follows:

1. The site is the only viable solution and is in the most appropriate location and would facilitate wider coverage and provide an improved level of service, and would be shared by Telefonica UK Limited & Vodafone Limited. (Siting)
2. Design and appearance on the host building (siting and appearance)
3. Impact on setting of CA (appearance)
4. Impact on setting of LB (appearance)
5. Impact on setting of MOL park / garden (appearance)
6. The benefits of the proposal and the impact upon the character and amenity of the area.

The appellants refer to the NPPF 2019 and their points are addressed accordingly.

4.0 Siting: The appellants state the site is the only viable solution and is in the most appropriate location. The proposed equipment would facilitate wider coverage and provide an improved level of service, and would be shared by Telefonica UK Limited & Vodafone Limited.

4.1 The need for the proposed antennas and associated apparatus and equipment (apparatus) and any benefits that it would bring have to be balanced against the impact of the proposed apparatus on the wider surroundings.

- 4.2 Para 116 of the NPPF 2019 states that LPAs should not question the need for an electronic communications system and site selection process should not be questioned. The appellant explains the need for proposal in order to improve coverage as key factor of site selection. The site chosen for its height meeting the technical requirements and not a designated heritage asset.
- 4.3 **Council Response** - Identifying a suitable location which would meet the operators' requirements and would be acceptable both in planning terms is clearly challenging. As the appellant and NPPF state the need for the electronic communications system and site selection process is not for council to address. The NPPF 2019 section 10 para. 115 and Camden Planning Guidance CPG Digital Infrastructure state that existing masts, buildings and other structures should be used unless the need for a new site has been demonstrated to the satisfaction of the Council and that the Council aims to keep the numbers to a minimum consistent with the efficient operation of the network. As this is a new site the selection process provided by the appellant identified ground level and buildings of lower height. While this provides evidence of exploring the possibility of other sites, there is no evidence that all possibilities have been explored. Moreover, it remains that the proposed equipment on the tallest local building and a sensitive site in terms of urban design, near a conservation area, listed buildings and MOL is unacceptable.
- 4.4 Para. 116 of the NPPF (2019) also states in the opening sentence that local authorities must determine applications on planning grounds only. This is what the local authority has done. Para. 113 of the NPPF (2019) ends stating that equipment should be sympathetically designed and camouflaged where new sites are required. This is a new site and would not be camouflaged. It would be sited to the perimeter edge of the roof line where it would be prominent in appearance.

5.0 Siting – Design and appearance on the host building

- 5.1 The appellant states that the six proposed antennas and associated apparatus have been designed for technical performance, operational requirements and similar designs are accepted and are common place. The appellant states functionality limits the availability of options to alter its appearance.
- 5.2 The appellant acknowledges that the appeal proposal would result in a notable change to the roofline and argues the irregular shape of the building and rooftop projection of the lift motor room 'encourages' the 'assimilation' of proposal apparatus and the white/light grey of the antennas would match the building fascia.
- 5.3 The appellant asserts that galvanised-steel finish which would naturally weather and assimilate into its background setting and claims the steel handrails would soften the visual impact to the appearance of the building. They assert the existing trees would offer screening.

6.0 Council Response to design and appearance to the host building

- 6.1 Local Plan Policy D1 aims to ensure the highest design standards for developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of

neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.

- 6.2 The Council acknowledges the specific design for communications equipment and that the number of antennas and apparatus have been reduced from the twelve in the previous application to six in the appeal proposal.
- 6.3 The Council acknowledges that this type of apparatus is commonplace but this site location is not commonplace. On the contrary, the site is directly adjacent to a variety of heritage assets of the Listed St George's Terrace, Primrose Hill Conservation Area, Primrose Hill Metropolitan Open Land, registered park and non-designated heritage assets of the locally listed buildings on Ainger Road, as identified throughout this statement and shown in appendix .
- 6.4 The roof line of Hill View is a clear simple form line with a lift room to the centre. The proposed antennas would project significantly above the height of the main roof by 3m above the main roof and the cumulative visual effect of the poles, antennae and apparatus would be incongruous with the uncluttered, lines of the host property.
- 6.5 The height of the antennas would be equivalent to the height of an additional storey and the appellants' implication that the apparatus would be read as an additional storey is concerning. The building is acknowledged by the appellant as the tallest in the immediate locality, the 'additional storey' of apparatus would appear very visible and dominant in surrounding views along Primrose Hill Road, St George's Terrace, and from Primrose Hill open space.
- 6.6 No additional elevation drawings have been submitted with the application or the appellants' submission. As no elevation drawing has been submitted, so we can solely infer from the photos and officer assessment how this would appear from the information provided on the proposed south-western elevation and proposed roof plan. In particular, the northern elevation would include four antennas of 3m and apparatus equivalent to that shown on the southern elevation. This elevation faces roads within the Primrose Hill Conservation Area, St George's Mews, Chamberlain Street, Erskine Road, as well as Ainger Road, albeit not within the CA, (see Appendix B Hill View Heritage Assets). The proposal would be the most prominent addition to the views towards Primrose Hill and the appellant has provided no elevations, street context or addressed these views other than to disregard the views towards Primrose Hill from Ainger Road. (Appendix A, photos 11 & 12).
- 6.7 No attempt has been made to camouflage the proposal other than colouring the antennas white/light grey. Therefore an additional storey of apparatus could not be considered to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.

7.0 Impact on setting of CA

- 7.1 The appellant identifies the significance of the Primrose Hill Conservation Area and quotes the officers report and identifies and asserts that as Ainger Road is not within the CA the impact on view from the location are not material.
- 7.2 **Council Response** As stated in above in paragraph 6.1, Policy D1 requires the consideration of impact on wider views and vistas. Furthermore, Ainger Road are identified as non-designated heritage assets in the Local List (see appendix C).
- 7.3 Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. The site is in a very sensitive location adjacent to several heritage assets including the Primrose Hill Conservation Area and Grade II listed buildings of St Georges' Terrace and its protected gardens under the London Squares Act, as well as directly facing Primrose Hill Metropolitan Open Land (MOL). The proximity and setting of these has been marginalised by the appellant and the impact of the harm identified as 'low level'. The setting of the heritage assets is to ensure unsuitable neighbouring development does not impose on said heritage asset.
- 7.4 Located adjacent to Sub Area 3, of the Primrose Hill Conservation Area, The Primrose Hill Conservation Area Statement guidance advises in Guideline PH1:
'New development should be seen as an opportunity to enhance the Conservation Area. All development should respect existing features such as building lines, roof lines, elevational design, and where appropriate, architectural characteristics, detailing, profile, and materials of adjoining buildings.'
In Guideline PH18 the CAS states;
'Roof extensions and alterations, which change the shape and form of the roof, can have a harmful impact on the CA and are unlikely to be acceptable where: ... The roof is prominent, particularly in long views and views from the parks, (and where) the building is higher than many of its surrounding neighbours.'
- 7.5 Furthermore the views of the St. George's Terrace from Primrose Hill and Regent's Park Road are identified as significant views. The Council has considered the impact on views of the setting of the CA and MOL from surrounding roads adjacent to the CA and MOL. The terrace of Ainger Road is identified as locally listed and character identified as uniform roof (see appendix C). The views from Ainger Road towards the MOL are material is preserving the setting of the MOL. The appellant is silent regarding the local list heritage assets and their chosen specific view of the site (appellant photo 2) is taken from a narrow strip of road that is outside but adjacent to the Conservation Area and MOL, (see appendix B, heritage assets and appendix A, photos)
- 7.6 No east elevation drawings have been submitted, so officers can only infer from photos to assess the appearance from the information provided on the proposed south-western elevation and proposed roof plan. Officers agree the safety hand rail gives some indication of the height and visibility of the apparatus. At 3m taller than the roof line, the antenna and apparatus would project approx. 2.2m above the safety rail. The appellant asserts that the white/light grey colour of the antennas would

match the fascia board, this does not convince officers that it would be 'sympathetically designed and camouflaged', as set out in para. 115 of NPPF 2019).

7.7 NPPF (2019) para 193. states 'great weight should be given to the asset's conservation... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' The views of St. George's Terrace from Primrose Hill and Regent's Park Road are identified as significant views in the Primrose Hill Conservation Area Statement (2000). The area to the front of the listed terrace is a protected garden under the London Squares Act designation which affords it further consideration of its setting than described by the appellant as a highway and fails to identify St George's as a protected garden.

8.0 Impact on setting of LB (appearance)

8.1 The appellant acknowledges the site is adjacent to a row of Grade II Listed Buildings and quotes the officers report addressing the visibility of apparatus with regard to harm to setting of Listed Terrace. The appellant claims that only two antennas (and associated apparatus) would be visible.

8.2 **Council Response** - Officer assessment of the impact on this view, and the impact on the setting of the listed buildings would result in harm to the setting of the listed buildings and would not preserve or enhance the character and appearance of the conservation area. While the Council has assessed the harm as 'less than substantial' to the heritage assets, this does not equate to 'low level harm' as identified by the appellant.

8.3 The appellant asserts their photographs demonstrate views of the apparatus would be limited in the surrounding area and screened by trees.

8.4 **Council Response** - The appellant has provided isolated views and one elevation drawing. In the absence of drawings of the north and east elevations and the corresponding views from the surrounding conservation area to the north-east (appendix B), the Council maintains the proposal would be harmful to the significant view of the listed terrace from Regents Park Road and the surrounding conservation area.

8.5 Due to the topographical incline, Hill View terminates the view along St George's terrace. Contrary to the appellants' assertion, the safety rail would be visible and indicates the proposed antennas and apparatus located to the south-east corner of the roof would be highly visible in short and long views from St Georges Terrace and Regent's Park Road. The Council acknowledges the trees would screen from the appellants' photo vantage point on Primrose Hill Road. However, the proposal would be visible from other views on Primrose Hill Road (Photo 7, appendix A).

8.6 Hill View is the most visible building on the skyline from views within the adjacent conservation area from St George's Mews, Chamberlain Street. The appellant states that as Ainger Road is not within the conservation area the impact of the appearance should be discounted. The view towards the Primrose Hill MOL should be considered as important to its setting, and would be most prominent from the street comprised

of buildings identified as heritage assets on the local list from Ainger Road. (see appendix A, photo 11 & 12)

9.0 Impact on setting of Metropolitan Open Land (MOL)

- 9.1 Policy A2 (Open space) seeks to protect the boroughs open space and resist development which would be detrimental to the setting of designated open spaces.
- 9.2 The appellant claims the location and position of the proposal is not identified as sensitive, as the site is not located within an area with a statutory designation for protection for its character. The appellant states that the site is urban in character and refers to the officer's report para. 3.5, and their photos 5 & 6 showing views from within Primrose Hill. The appellant refers to photo 5 which is an elevated position screened by trees not in leaf; however, photos 1 to 4 (appendix A) which are taken from a lower position (in leaf and not in leaf) demonstrate the apparatus would be visible above the tree line. The appellant acknowledges in their photo 6 that apparatus would be visible from this position here but would be acceptable as it is a mid-long distance view.
- 9.3 **Council Response** – The appellant's photo 6 and other photos demonstrate that the roofline is visible and therefore the apparatus would be visible from MOL, (see photos 1 to 4 appendix A). The harmful visual impact would be apparent from a number of vantage points and perspectives, all of which should be taken into account when considering the effect of the development on the character and appearance of the local area.
- 9.4 The appellant cites an Inspector limiting the considerations to siting and external appearance not principle of development and disregards consideration of the impact on the MOL.
- 9.5 **Council response** - The council does not question the principle of development but assesses its external appearance and siting adjacent to the MOL, as well as the listed buildings and Conservation Area.
- 9.6 The close proximity of the site to Primrose Hill, which is designated Metropolitan Open Land. MOL is open space of London-wide significance that provides a break in the built-up area and receives the same presumption against development as green belt land. Whilst there are no statutory designations for the protection of character at the location of appeal site itself, given the proximity of the site to the MOL of Primrose Hill, the impact of the proposals on the setting and openness and character of the adjacent MOL is a material planning consideration, and needs to be fully considered.
- 9.7 As stated in the Officer's Report, Local Plan Policy A2 (Open space) states that in order to protect Camden's open spaces, the Council will resist development which would be detrimental to the setting of designated open spaces, give strong protection to maintaining the openness and character of Metropolitan Open Land (MOL). The

Council will protect the openness and character of MOL spaces in accordance with London Plan policy 7.17 and policy guidance in the National Planning Policy Framework (NPPF) on Green Belts.

9.8 NPPF guidance on Green Belts emphasises the importance of Green Belts to keeping land permanently open. Paragraph 143 of the NPPF (2019) states that ‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’ Paragraph 144 of the NPPF (2019) goes on to say that ‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’

9.9 The proposal would impede upon and harm the setting of the MOL of Primrose Hill and would appear as an incongruous addition to the roof of Hill View. It would degrade the visual amenity of the area and the character and appearance of the roof scapes. The proposal would therefore have a harmful and negative impact on the streetscape. The Council therefore disagrees with the appellant’s assertion that the antennas and apparatus would be neutral in appearance in this location and that it would lead to no visual harm. Appendix D is an appeal decision from 2021 with regard to impact on MOL.

10.0 The benefits of the proposals and impact upon the character and amenity of the area.

10.1 Throughout the appellants response they assert the Council understates the public benefit of better coverage.

10.2 Whilst the appellant cites public need for their services and the NPPF is clear that the need for telecommunications systems should not be questioned. It can be understood that only generalised benefits to the public are identified and the proposal would only result in improved coverage to two of a number of mobile phone networks.

11.0 Other appeals

11.1 The appellant outlines a number of other appeal decisions and asserts that as they relate to ground based masts the appeal site is preferable than the given sites. These are commented on individually below.

11.2 **Council Response.** The appellant refers to other appeal decisions and planning permissions. It is clear that each site is assessed on its own merits and the contexts of the referred to sites differ considerably from the subject appeal site. Appeal a: the site is a busy commercial area, in contrast to the predominantly residential area adjacent to open space of appeal site. Appeal b: Digital connectivity should not be to the detriment of heritage assets. Appeal c: NPPF states Councils are not permitted to question the need for telecoms. The appellant refers to a recent approval at Taplow

2020/3958/P. This site context differs as it was not adjacent to heritage assets of Listed Buildings, Conservation Area, Locally Listed buildings or MOL. This demonstrates that the council considers each site on its merits.

12.0 Other issues. Amenity – outlook of residents’ roof terrace

12.1 Section 2.4 of the report addresses concerns raised regarding the impact on the roof lights shown on the roof plan. It was concluded that the development would be unlikely to have impact on amenity in terms of loss of light, outlook or privacy. However, since this decision, the Council has been made aware there is an existing external terrace to the west roof therefore the apparatus may have an impact on amenity, in terms of outlook. At approximately 6m above the terrace, the antennas and apparatus would be highly visible and overbearing those using the terrace.

13.0 NPPF 2021

13.1 There are no new aspects in the 2021 NPPF in relation to this appeal that need to be addressed.

14.0 Conclusion

14.1 Based on the information set out above, and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable in that it would be contrary to policies D1, D2 and A2 of the London Borough of Camden Local Plan 2017.

14.2 The information submitted by the appellant in support of the appeal does not address or overcome the Council’s concerns. The proposed development by reason of its location, scale, height and design, would result in visual rooftop clutter which would cause harm to the character and appearance of the host property, local views including those from Primrose Hill, the nearby Primrose Hill Conservation Area and the setting of adjacent listed buildings.

14.3 Having regard to the entirety of the Council’s submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal.

14.4 It is not considered that any conditions would be sufficient to mitigate the detrimental impact of the proposed development on the character and appearance of the host property and local views. As such, no conditions are suggested.

14.5 If any further clarification of the appeal submissions are required, please do not hesitate to contact Leela Muthoora on the above direct dial number or email address.

Yours sincerely,

Leela Muthoora

Planning Technician - Planning Solutions Team

Supporting Communities Directorate

London Borough of Camden

List of Appendices

Appendix A: Site photos of street scene and views of Hill View to and from Primrose Hill MOL

Appendix B: Heritage assets adjacent to the appeal site

Appendix C: Local List extract for Ainger Road

Appendix D: Appeal Decision – Spaniards Road, Hampstead Heath, Camden, London, NW3 7ET (APP/X5210/W/20/3258619) - dismissed (dated 12th January 2021)

Appendix A – Photos

1. Primrose Hill - The Royal Parks website showing Hill View and trees not in leaf <https://www.royalparks.org.uk/parks/the-regents-park/things-to-see-and-do/primrose-hill>



2. Primrose Hill - The Royal Parks website showing Hill View (right) and trees not in leaf <https://www.royalparks.org.uk/parks/the-regents-park/things-to-see-and-do/primrose-hill>



3. Officer photo from Primrose Hill with trees in leaf and Hill View south eastern rooftop visible



4. Officer photo from Primrose Hill with trees in leaf and Hill View south eastern rooftop visible



5. Officer photo from Regent's Park Road with trees in leaf and Hill View eastern elevation and rooftop visible
Significant view of St George's Terrace from Regent's Park Road, identified in PH CAS p.21



6. Officer photo from St George's Terrace with trees in leaf and Hill View eastern elevation and rooftop visible



7. Officer photo of St George's Terrace with trees in leaf and Hill View eastern elevation and rooftop visible (site of northern antennas)



8. Officer photo of Hill View south-eastern elevation and visibility of site of south-eastern antennas and apparatus



9. Officer photo of Hill View western elevation from Primrose Hill Road and visibility of site of northern antennas and apparatus



10. Officer photo of Hill View western elevation from Ainger Road and visibility of site of northern antennas and apparatus



11. Officer photo of Hill View northern elevation from Ainger Road towards Primrose Hill MOL and visibility of site of northern antennas and apparatus



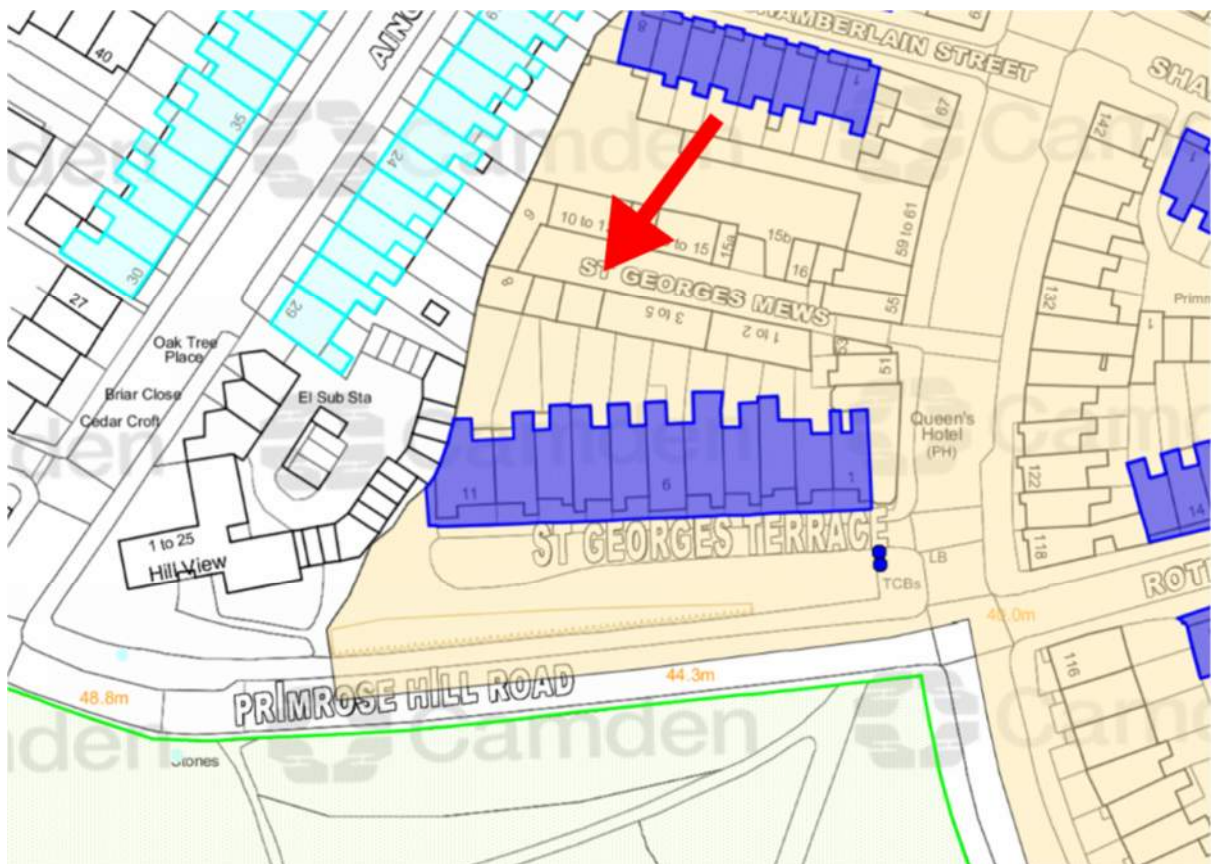
12. Officer photo of Hill View northern elevation from Ainger Road towards Primrose Hill MOL and visibility of site of northern and southern antennas and apparatus

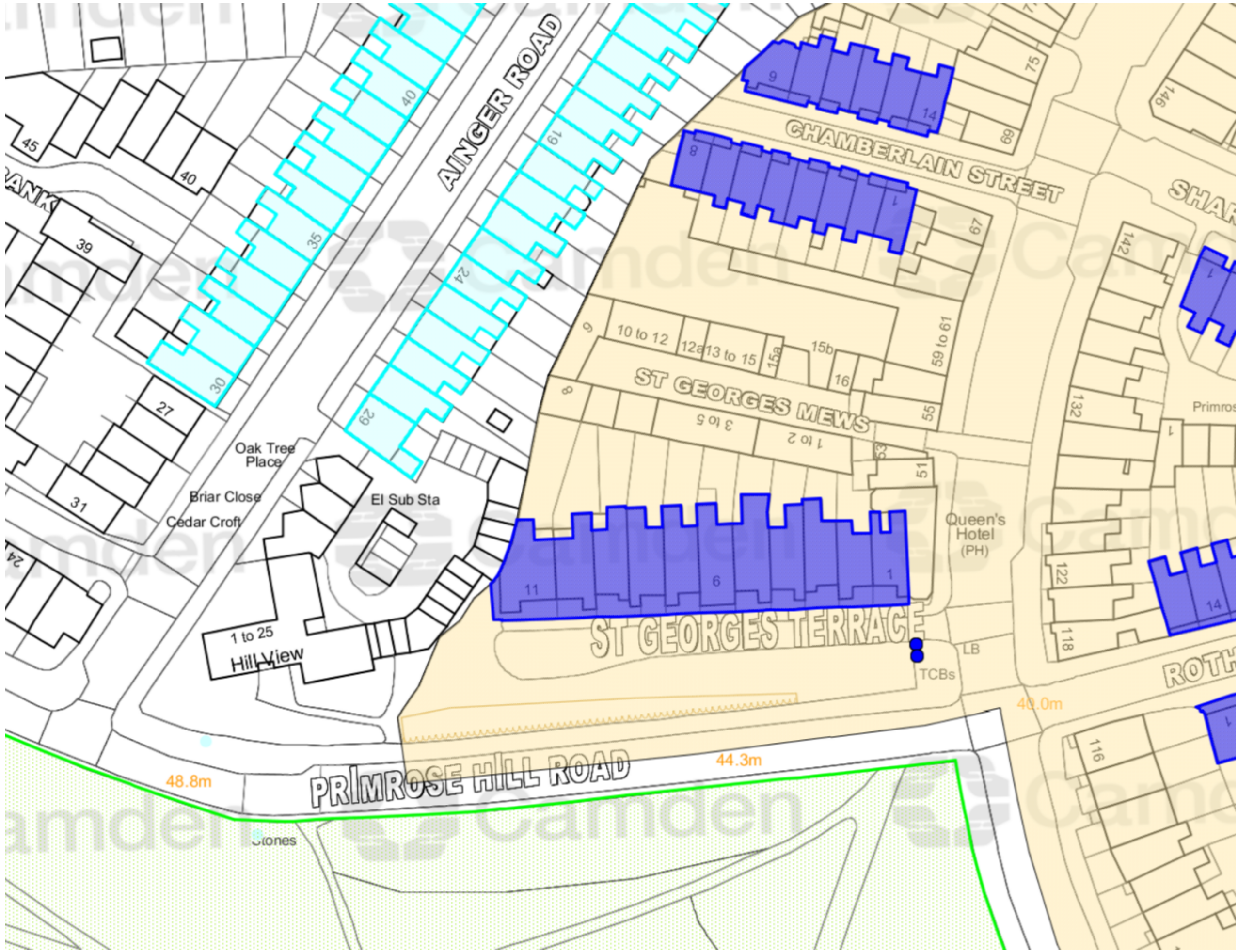


13. Aerial view but demonstrates existing visibility of Hill View and its roofline from the Conservation Area



14. Approximate direction of aerial view in no. 13.





- Registered Historic Park Or Garden**
- Registered Historic Park Or Garden
- Listed Building**
- Listed Building
- I
- II
- II*
- Local List**
- Local List
- Conservation Area**
- Conservation Area



Camden's Local List

January 2015

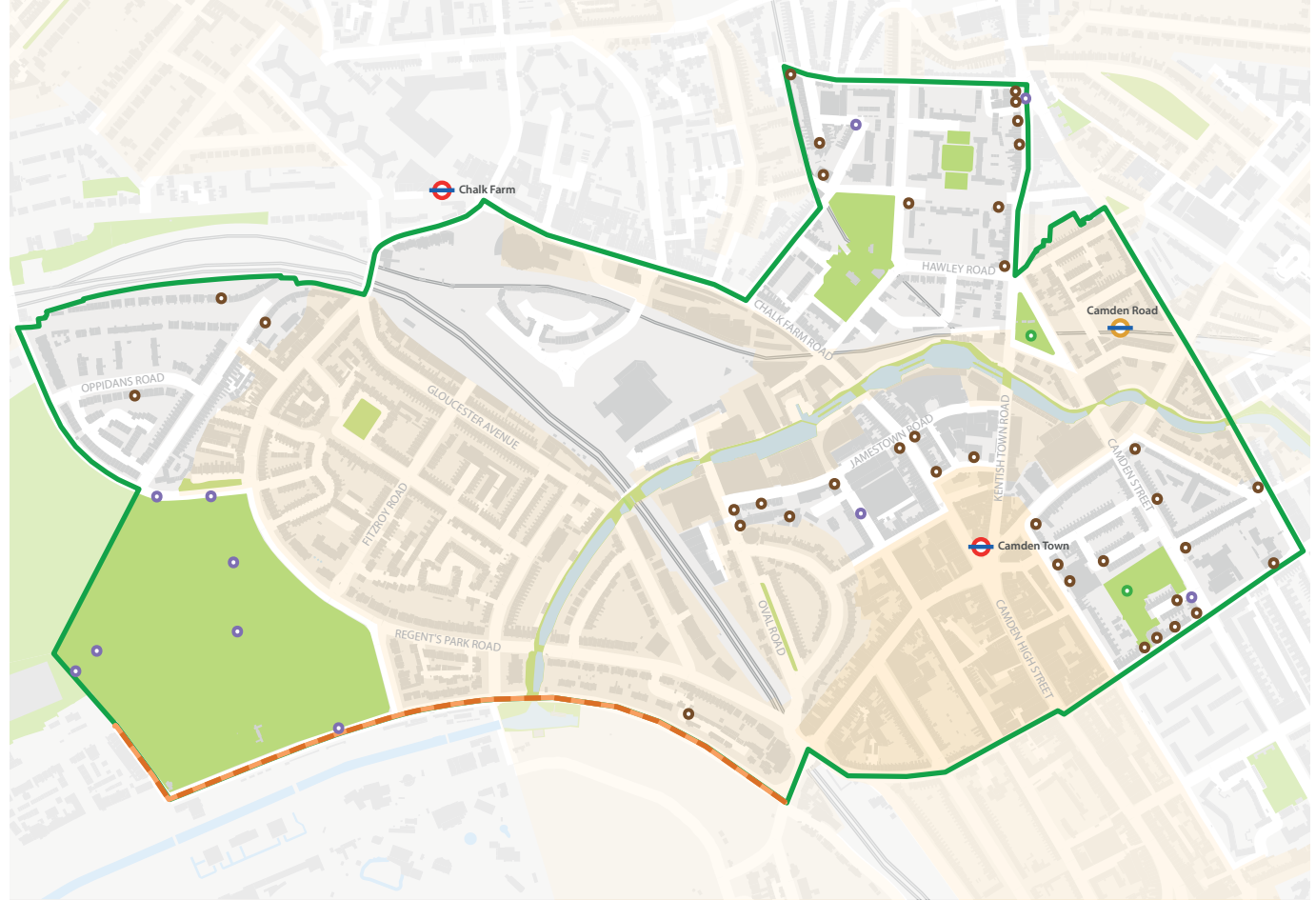
Camden Town with Primrose Hill

Camden's Local List








The ward map opposite shows the location of the assets identified on Camden's Local List within Camden Town with Primrose Hill.

(click on coloured markers to be taken to the page with details of that asset on)



KEY:

- | | | |
|--|---|--|
|  Building or group of buildings |  Open space |  Rail/Tube line |
|  Natural features or landscape |  Water |  Ward boundary |
|  Street feature or other structures |  Conservation area |  Borough boundary |

Photograph	Asset Details	Description
<p>Ref645:</p>  <p>(Click here to return to the ward map)</p>	<p>Address: 1-49 (odd) 8-54 (even) King Henry's Road</p> <p>Significance: Architectural and Townscape Significance</p> <p>Asset Type: Building or Group of Buildings</p> <p>Ward: Camden Town with Primrose Hill</p>	<p>Group of mid 19th century semi detached (and in some cases linked) and terraced houses on both sides of street. Intact and relatively unaltered group of high architectural quality creates fine consistent townscape.</p>
<p>Ref646:</p>  <p>(Click here to return to the ward map)</p>	<p>Address: 1-29, 30-45 and 46-57 Ainger Road</p> <p>Significance: Architectural and Townscape Significance</p> <p>Asset Type: Building or Group of Buildings</p> <p>Ward: Camden Town with Primrose Hill</p>	<p>Later 19th century terraced houses on both sides of street. High degree of consistency including at roof level. Creates striking uniformity to the townscape.</p>
<p>Ref647:</p>  <p>(Click here to return to the ward map)</p>	<p>Address: 18-41 Oppidans Road</p> <p>Significance: Architectural and Townscape Significance</p> <p>Asset Type: Building or Group of Buildings</p> <p>Ward: Camden Town with Primrose Hill</p>	<p>Later 19th century group of Italianate semi detached houses and terraces with recesses between pairs to give the impression of semi detached houses with raised ground floors and overhanging eaves set behind front gardens. On the south side of the road only; a complementary group opposite was later demolished for the residential blocks that stand there today. High degree of consistency creates an impressive townscape.</p>
<p>Ref643:</p>  <p>(Click here to return to the ward map)</p>	<p>Address: Holy Trinity and St Silas Primary School, Hartland Road</p> <p>Significance: Architectural and Townscape Significance</p> <p>Asset Type: Building or Group of Buildings</p> <p>Ward: Kentish Town</p>	<p>Two plus attic storey mid 19th century Primary school building on the corner of Lewis Street and Clarence Way, and opposite the listed Holy Trinity Church. It's orientation results in the flank elevation being very visible in views westwards past the church, and thee two buildings and the green space opposite form an attractive group.</p>
<p>Ref649:</p>  <p>(Click here to return to the ward map)</p>	<p>Address: 39-49 (odd) and 54-76 (even) Hadley Street and 14&16 Lewis Street and street surfacing</p> <p>Significance: Architectural and Townscape Significance</p> <p>Asset Type: Building or Group of Buildings</p> <p>Ward: Camden Town with Primrose Hill</p>	<p>Group of two storey mid 19th century terraced houses set behind small front yards which encloses the southern end of Hadley Street and around the corner into Lewis Street. Form an intact and visually attractive small group, with a consistent roofscape and some historic detailing such as bracketed cornices to the ground and first floor windows and parapet cornices surviving. The view of the group is enhanced by the tower of Holy Trinity church and the roofscape of Holy Trinity and St Giles Primary school visible over the roofs of the houses. York stone paving, granite kerb and gutter setts enhances the integrity of the historic character of this group.</p>



Appeal Decision

Site Visit made on 21 December 2020

by A M Nilsson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/X5210/W/20/3258619

Spaniards Road, Hampstead Heath, Camden, London, NW3 7ET

- 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 EE Limited & Hutchison 3G UK Limited against the decision of London Borough of Camden.
 - The application Ref 2020/2942/P, dated 20 July 2020, was refused by notice dated 20 August 2020.
 - The development proposed is the erection of 15m high telecommunications monopole with wraparound cabinet at base and 3 x equipment cabinets on the public footpath, and removal of 1 x existing equipment cabinet.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Order under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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. My determination of this appeal has been made on the same basis.
3. In their statement, the appellant outlines that the existing monopole would be removed on completion of installation of the proposal. This is somewhat in contradiction to the initial Site Specific Supplementary Information which outlines that the existing site will be retained at this time, and the proposed plans which show the existing installation being retained.
4. As this relates to the removal of equipment, I do not consider that the interests of any party would be prejudiced if I determine the appeal on the basis of the proposal to remove the existing installation as per the chronology of the evidence.

Planning Policy

5. The principle of development is established by the Order, and the provisions therein do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area

Reasons

7. The appeal site is located adjacent to the footpath/cycle path on Spaniards Road. The site is adjacent to Hampstead Heath which is designated as Metropolitan Open Land (MOL) where there are mature trees on an embankment which slopes down towards the heath. There are streetlighting columns and two existing telecommunications monopoles in the immediate area, one of which is 9.7m in height and sits adjacent to the appeal site.
8. The existing telecommunication monopoles in the street are relatively slender and innocuous installations. They do not appear overly obtrusive and sit relatively comfortably with the streetlighting columns in the area. In comparison, the proposal, due to its height, width and bulky headframe would be significantly more prominent.
9. The installation would be significantly taller than the existing monopole and trees behind the appeal site. It would also extend above the existing streetlighting columns. The width of the column and the headframe are also considerably greater than any of the other street furniture in the area. It would therefore, as a result of its scale, be highly visible from long range views along Spaniards Road and from within Hampstead Heath. It would represent an incongruous and dominant addition adversely affecting the character and appearance of the area. I do not consider that the appellants suggestion to use of a specific colour for the installation would overcome the harm I have identified.
10. For the reasons set out above, the mast would cause significant harm to the character and appearance of the area. The proposal would be contrary to Chapter 10 of the Framework, which requires, amongst other things that equipment on new sites to be sympathetically designed and camouflaged where appropriate.
11. The proposal would also be contrary to Policies D1 and A2 of the Camden Local Plan (2017) which require, amongst other things, that development is of high-quality design that integrates well with the surrounding streets and open spaces. The proposal would also be contrary to Policies DH1 and NE1 of the Hampstead Neighbourhood Plan (2018) which require, amongst other things, that development respects and enhances local character and avoids harm to Local Green Spaces.
12. Were I to have considered the proposal in the same regard as the Council, that is, that the existing mast were to be retained, I would have found that a greater degree of harm than that which I have identified would have been caused, as a result of the proliferation of equipment, the cumulative effect of which would have caused clutter.

Other Matters

13. The appellant has referred to the use of the installation as part of the Emergency Services Network (ESN). I have not been provided with any evidence to demonstrate the significance of the current installation in this

context or that there is a specific need or demand for the proposal to meet a deficiency in the ESN. I therefore give this argument little weight.

14. The appellant comments that the site is not within an area with a statutory designation for a particular protection such as for heritage or ecological purposes. The lack of harm to such a protected area does not sufficiently weigh in favour of the proposal to overcome the harm I have identified.
15. The appellant has submitted a copy of the document titled 'Councils and Connectivity - How local government can help to build mobile Britain' (2018). This document outlines the mobile industry's view on how local government can create an environment that is conducive to the building of mobile infrastructure. The document does not appear to have been through any public examination and I give it little weight in the appeal.
16. The appellant considers that the proposal represents a sustainable form of development, and that such an objective should inform decisions as outlined in the 'Letter to Chief Planning Officers: Planning for Growth' dated 31 March 2011. I have not been supplied with a copy of the letter. In any event, I do not consider that the proposal representing a sustainable form of development (or otherwise) would overcome the harm I have identified.

Planning Balance and Conclusion

17. I do not consider that the public benefits of the installation in terms of an enhanced telecommunications network, its contribution to economic growth, the operational and locational needs of the operators, or that it would replace an existing structure with a shared mast, outweigh the significant harm that I have identified to the character and appearance of the area.
18. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR