



## Appeal Decision

Site Visit made on 26 October 2021

**by K Savage BA(Hons) MPlan MRTPI**

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

**Decision date: 22 November 2021**

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### **Appeal Ref: APP/X5210/W/21/3277069**

### **Rooftop, 145-147 York Way, London N7 9LG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
  - The appeal is made by Cornerstone against the decision of the Council of the London Borough of Camden.
  - The application Ref 2020/4916/P, dated 23 October 2020, was refused by notice dated 16 December 2020.
  - The development proposed is installation of 5 no. new Vodafone antennas, 1 no. 0.3m dish and 1 no. 0.6m dish on three new tripod support poles. Vodafone ancillary equipment is proposed to be mounted to inside of parapet wall at new antenna locations; Removal of 6 No. existing Telefónica antennas; Installation of 6 No. new Telefónica replacement antennas on 3 No. new stand-off brackets, 1No. 0.3m and 1No. 0.6m Telefónica dishes to be installed below antennas; Telefónica ancillary equipment.
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### **Decision**

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for installation of 5 no. new Vodafone antennas, 1 no. 0.3m dish and 1 no. 0.6m dish on three new tripod support poles. Vodafone ancillary equipment is proposed to be mounted to inside of parapet wall at new antenna locations; Removal of 6 No. existing Telefónica antennas; Installation of 6 No. new Telefónica replacement antennas on 3 No. new stand-off brackets, 1No. 0.3m and 1No. 0.6m Telefónica dishes to be installed below antennas; Telefónica ancillary equipment, at Rooftop, 145-147 York Way, London N7 9LG in accordance with the terms of the application, Ref 2020/4916/P, dated 23 October 2020, and the plans, 100 A, 200 A, 202 B, 300 A and 302 B, submitted with it.

### **Main Issue**

2. The GPDO sets out that in considering whether to grant prior approval under Schedule 2, Part 16, Class A, the issues to be considered are the siting and appearance of the proposal. The main issue, therefore, is whether the siting and appearance of the proposal would be acceptable, having particular regard to the effect of the proposal on the heritage significance of the Camden Square Conservation Area (CSCA).

### **Reasons**

3. The appeal relates to a six storey building located on the western side of York Way, with side and rear elevations fronting Cliff Road and Cliff Villas

- respectively. The building is in use as a self-storage facility, and has several existing mobile telecommunications installations on the main roof.
4. The site is not located within a conservation area, but the boundary of the CSCA runs down the centre of Cliff Road with the northern side of the street falling within it. The CSCA is a planned, 19<sup>th</sup> century suburb in a gridded street layout focused around Camden Square. It is a relatively contained conservation area, bounded by major thoroughfares including Camden Road and York Way. As a result, the planned layout, varied architecture and green spaces which contribute to its heritage significance are primarily appreciated from within the conservation area itself, rather than from areas beyond its boundary, where views in are more limited and these features are not immediately observed, such as the view down Cliff Road from the junction with York Way.
  5. Though not cited in the reason for refusal, the Council also refers to the Hillmarton Conservation Area (HCA), within the London Borough of Islington, which lies to north-east of the site, across the road junction. The nearest parts of the HCA to the appeal site are three and four storey Victorian buildings fronting York Way with shops on the ground floor which contribute to the commercial character of the street scene.
  6. The proposal seeks to upgrade and add antennas and dishes to support the network for both Telefonica and Vodafone, in particular to facilitate the rollout of 5G coverage. A total of 11 antennas and four dishes would be added, with six existing antennas removed. In total, five clusters of antennas and dishes are proposed. To the north-east and south-western corners, the proposed installations would replace existing antennas in the same positions, albeit some 500mm higher in the south-west corner. Two antennas and one dish would be added to the northern side around ten metres in from those at the north-eastern corner. Four antennas and one dish would be added towards the centre of the roofline on the York Way elevation, and a final antenna would be located to the centre of the roofline on the Cliff Villas elevation. The majority of the antennas would be similar in height to those already on the roof, but the proposed antennas on the York Way frontage would stand between 500mm and two metres taller than the others. Ancillary equipment would be located either flat on the roof or against an existing equipment cabin set in from the front parapet.
  7. The Council's Digital Infrastructure Planning Guidance (March 2018) (the DIPG) aims to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. 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. This reflects the guidance of the Framework.
  8. In this case, the site is an established location for rooftop telecommunications installations, with antennas visible above the parapet line on all corners of the building and other points along the rooflines, in particular the roofline facing Cliff Road. The use of an existing site for further telecommunications installations would therefore accord with the relevant guidance in this respect, consolidating antennas in a single location and thus avoiding the need to find a new site, which the appellant indicates would have to be sought for one of the mobile operators in the event the appeal is dismissed. However, that the site is

- already used for telecommunications purposes does not obviate the need to consider the visual impact of the proposal.
9. The proposals would add to the overall number of antennas, dishes and supporting poles and brackets visible on the roof, and would introduce antennas towards the centres of the parapets facing York Way, Cliff Road and Cliff Villas. However, the antennas would form slender, functional structures which are not unexpected sights on taller buildings, and the additional installations would be seen in context with equipment already on the roof, to which it would be similar in form.
  10. Moreover, views from all sides of the site primarily take in the substantial massing of the appeal building, and one has to intentionally view upwards to take in the roofline and antennas already in place. Though some of the antennas would be taller, they would not stand out starkly given they would be seen as part of the wider collection of equipment on the roof. The size of the antennas would also be modest in comparison to the size and bulk of the host building, which would remain the dominant feature in views. The slender, functional form of the installations would not harm the overall composition of the building, the elevations and parapet lines of which would be unaffected. The roofline is also visible on approach along Brecknock Road from the north, albeit at distance and as part of a wider townscape vista, but from here, the cumulative extent of antennas is already apparent, and this would not change discernibly as a result of the proposal.
  11. The Council questions why the appellant has not sought to soften the impact of the antennas by using camouflage or screening, or setting the antennas away from the main elevations. The appellant indicates that shrouding options were considered but deemed to be more visually intrusive than the antennas themselves. I agree, as multiple box-like structures on the roof would draw the eye more readily than would the uncovered antennas. The appellant has also set out in evidence that antennas cannot be located to the centre of rooftops due to the need to provide line of sight connections to the street level. The Council does not specifically challenge the appellant's evidence in this respect, nor does it suggest any alternative locations considered more suitable for the installations. Based on all I have read, I am satisfied that the location of the antennas has been informed by genuine operational requirements, and that the appeal site is the most suitable location in these respects.
  12. In terms of the effect on the CSCA, the antennas would only be visible from points on Cliff Road close to the site, and even then one would have to look intentionally skywards to view the antennas, where they would appear as incidental rooftop features relative to the immediate massing of the parent building. Views become less prominent further to the west along Cliff Road, due to the distance and the filtering effect of street trees. Consequently, I consider the proposals would form minor, ancillary features adjacent to, but outside, the CSCA that would not have a harmful effect on those elements which contribute positively to its heritage significance, namely its planned layout, varied architecture, green spaces and landscaping and pleasant residential character. As such, the significance of the CSCA would be preserved.
  13. Similarly, there would be no harm arising to the commercial high street character of the most adjacent parts of the HCA, and therefore there would be no harm to the overall significance of this heritage asset.

14. For these reasons, I conclude that the siting and appearance of the proposals would be acceptable. So far as is relevant to the appeal, there would be no conflict with the aims of Policies D1 and D2 of the CLP, which together seek development of the highest architectural and urban design quality, which complements and enhances the distinct local character and identity of the area, and to preserve and, where appropriate, enhance Camden's heritage assets and their settings. As I have found no harm to designated heritage assets, it is not necessary to undertake the heritage balancing exercises set out at Paragraphs 201 and 202 of the Framework.

### **Other Matters**

15. The appellant has set out the operational requirements underpinning the proposal, most notably the rollout of 5G coverage in the area, and the economic and social benefits this would deliver for businesses and the general public. There is also strong support within the new London Plan and the Framework for digital infrastructure as a key part of delivering economic growth within London and nationally. The upgrading of the mobile telecommunications network through the appeal scheme would therefore deliver significant public benefits, albeit given I have found no harm in respect of the main issue, these benefits do not need to be relied upon.
16. Representations from an interested party suggested work had taken place recently to alter telecommunications installations on the roof of the appeal building. However, the appellant has responded that any work undertaken was by other mobile telecommunications operators, and is unrelated to the appeal proposal. On site, I saw no evidence that the proposed antennas had been erected in advance of prior approval being given.

### **Conditions**

17. The GPDO does not provide any specific authority to impose conditions when granting prior approval beyond the deemed conditions for development by electronic communications code operators. 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.

### **Conclusion**

18. For the reasons set out, I conclude that the appeal should be allowed and prior approval given.

*K. Savage*

INSPECTOR