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## Appeal Decision

Site visit made on 3 November 2021

**by R Morgan BSc (Hons) MCD MRTPI**

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

**Decision date: 7 December 2021**

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**Appeal Ref: APP/X5210/W/21/3274361**

**Hill View, Primrose Hill Road, London, NW3 3AX**

- 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 and Telefonica UK Limited & Vodafone Limited against the decision of London Borough of Camden.
  - The application Ref 2020/4214/P, dated 15 September 2020, was refused by notice dated 4 November 2020.
  - The development proposed is installation of 6no. 3m support poles (26.63m AGL) supporting 6no. antennas and 2no. 300mm dishes, the installation of 4no. cabinets and ancillary works thereto.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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. The relevant provisions of the GPDO do not require regard to be had to the development plan. Accordingly, I have had regard to the policies of the development plan and related supplementary guidance only in so far as they relate to siting and appearance.

### Main Issues

4. The main issues are:
  - the effect of the siting and appearance of the proposed installation on the streetscene and the setting of adjacent heritage assets; and
  - whether any harm caused is outweighed by the need to site the installation in the location proposed, having regard to the potential availability of alternative sites.

## Reasons

### *Effect on the setting of heritage assets*

5. Hillview is a modern apartment block which fronts onto Primrose Hill Road and Ainger Road, just outside the boundary of the Primrose Hill Conservation Area (CA). In the vicinity of the appeal site, much of the development within the CA took place in the nineteenth century and comprises of a mixture of commercial and residential uses. Buildings are typically groups of three or four storey terraces, formed of yellow London stock brick with classical stucco detailing. The terraces are generally regular in appearance, and the uniformity of the buildings and their roofscapes contributes to the significance of the CA.
6. The appeal building is located in a corner position and has a frontage onto Ainger Road, an attractive residential street lined on both sides by terraces dating from the late nineteenth century. Although outside of the CA, the buildings along Ainger Road display a high degree of uniformity, and owing to their townscape and architectural significance, have been locally listed by the Council.
7. The appeal site lies adjacent to St George's Terrace, which runs parallel to Primrose Hill Road, separated from it by a strip of well treed private gardens. Fronting onto the narrow street is St George's Terrace itself, a grand and attractive Grade II listed building, which is formed of brickwork with highly decorative stucco features to the porches, doors and windows. The listed building contributes positively to the character and appearance of the CA, and views of the terrace from Primrose Hill and Regent's Park Road are identified as being 'significant' in the Primrose Hill Conservation Area Statement.
8. When looking along St George's Terrace from its junction with Regent's Park Road, the side elevation of the appeal building and its roofline form prominent features in the streetscene, terminating this significant view. The stepped east facing elevations of Hillview are seen in juxtaposition with the adjacent listed St George's Terrace, and the eye is drawn to the clean, horizontal roof profiles of both buildings. Owing to its siting and elevated position, the side elevation of Hillview forms an important part the setting of both the listed terrace and this part of the CA.
9. Buildings on Primrose Hill Road, including St George's Terrace and Hillview, overlook Primrose Hill, a substantial and attractive area of well used open space, which affords expansive views of the skyline of central London. The park has numerous mature trees around its periphery and its verdant character forms an important part of the setting of the CA. Primrose Hill is a registered park and garden, and designated as Metropolitan Open Land (MOL) in the London Plan and Camden Local Plan 2017 (Local Plan).
10. At a height of around 23 metres, the appeal building is the tallest in the vicinity and, despite the significant screening provided by the surrounding mature trees, is nonetheless visible from various vantage points within Primrose Hill, both in close and long views. As a result of its scale and siting, the building forms part of the wider setting of this designated heritage asset.
11. The appeal site is in an urban context where telecommunications equipment is common and not unexpected on rooftops. However, although not itself listed or within the CA, the appeal building is located in a sensitive and prominent

- position, adjacent to a range of designated and non-designated heritage assets, and forming part of the setting of the listed St George's Terrace.
12. Hillview itself is a modern building but is not unattractive. It sits comfortably within its setting, and does not unduly detract from the surrounding heritage assets. When viewed from nearby streets, the existing roof appears to comprise of clean, uncluttered lines, with the central lift motor room, which is taller than the main roof, being largely hidden from view. A safety rail can be seen around the perimeter of the rooftop, but this is a lightweight structure which is not particularly obvious or conspicuous.
  13. The proposed telecommunications equipment on the roof of Hillview would serve two operators, Vodafone and Telefonica. The equipment would be positioned in clusters, close to the roof edge of the south and west facing elevations, fronting Primrose Hill Road and St George's Terrace; and the north facing elevation, fronting Ainger Road. In addition to 6 pole mounted antenna and dishes, various elements of additional ancillary electrical equipment would be installed on the roof top, with four cabinets sited adjacent to the lift motor room in a central position of the roof.
  14. The submitted photomontage showing the equipment on the north facing elevation suggests that only the antenna and dishes, which would be sited on the roof edge, would be readily visible from the ground. The antennas, which would project to a height of 3m above the main roof, would be coloured light grey. Although fairly slim in form, they would appear to be much thicker and higher than the existing safety rail, and would be seen above the level of the existing white fascia board.
  15. From the submitted drawings, it appears that two antennas and a dish would be sited on the roof edge fronting onto St George's Terrace. Equipment on the corner of the south facing elevation would also be visible from parts of that street. When viewed from St George's Terrace and its junction with Regent's Park Road, the antenna would appear as highly conspicuous features which would be silhouetted against the skyline. The vertical forms of the antenna would disrupt the existing clean and horizontal profile of the roofscape in this prominent and sensitive location, very close to the listed terrace.
  16. I acknowledge that options for alternative siting on the roof, which may reduce the visual impact, may not be acceptable from a technical perspective, and that camouflaging rooftop equipment such as that proposed is difficult. The proposal has been reduced in scale significantly since the previous refused application, and I note the appellant's comment that it has been designed as sympathetically as possible, as required by Framework paragraph 115.
  17. However, despite efforts to minimise its visual impact, the siting and appearance of the equipment would nonetheless appear incongruous and prominent in this context, and would cause significant harm to the setting of the listed St George's Terrace. Given the important contribution of the listed terrace, and views of it, to the CA, there would also be harm to the setting of that designated heritage asset.
  18. Although street trees along Ainger Road provide screening from some vantage points, the equipment proposed on the edge of the north elevation of Hillview would be clearly visible from much of that street, above the roofs of the terraced houses. The proposed antennas would appear significantly higher

than the existing safety rail and would be viewed against the skyline, contributing to the prominence of the building and adding visual clutter to a roofline which is otherwise generally free of equipment. Whilst Ainger Road is outside of the CA, the buildings along it have particular townscape value and the proposed siting of the equipment in a prominent position would cause harm to the character and appearance of the area.

19. From the many footpaths which criss-cross the parkland of Primrose Hill, there are intermittent views of the appeal building. From longer views, the proposed antenna on the front (south west) elevation would be visible, but in the context of the large scale of the park itself, the slim vertical features would not be particularly noticeable, and from a distance, the light colour would help to reduce their visual impact against the skyline. From areas of the park which are close to the appeal site and screening by trees is absent, the proposal would result in a visible change to the existing clean lines of the building. Whilst the equipment may not be viewed as attractive or a positive change, the contribution of the modern appeal building to the setting of the park is modest, and other buildings around the edge of the park have visible equipment on their roofs. Whilst the proposed equipment would detract from the setting of the Grade II listed park and garden, the amount of harm caused would be small.
20. As MOL, Primrose Hill is afforded similar protection from development as land within the Green Belt. However, the proposed equipment would be installed on an existing building outside of the MOL, and although it would be visible from within the park, it would not constitute inappropriate development. Furthermore, the proposal would not cause harm to the openness of the parkland itself, which criterion g) of Local Plan Policy A2 seeks to protect.
21. I conclude that the siting and appearance of the proposed equipment would cause harm to the streetscene, and to the setting of adjacent heritage assets. The proposal would conflict with Policy D1 of the Camden Local Plan 2017, which requires that development respects local context and character and preserves or enhances the historic environment and heritage assets. There would be further conflict with Policy D2, which seeks to preserve Camden's rich and diverse heritage assets. Although the proposal would not undermine the objective of protecting MOL contained in Policy A2g., it would conflict with criterion c. of that policy, which resists development that would be detrimental to the setting of designated open spaces.

*Need for the installation in this location*

22. The two operators, Vodafone and Telefonica, have identified that a new base station is required to serve this part of London, within which service provision is currently below optimum. The proposed installation would provide improvements to the existing second, third and fourth generation services, as well as introducing new fifth generation services (5G).
23. The proposal would serve a densely built-up urban area with a high concentration of mobile users, including residents; commuters; businesses and visitors to local tourist attractions. Increased network capacity would result in faster and more reliable digital connections within the area. It would help to meet demand for broadband services which has increased significantly in recent years, and in particular during the pandemic, when people have needed to work, study, and access a wide range of services from home.

24. The need for high quality digital infrastructure for economic growth and social well-being is recognised in paragraph 114 of the Framework. In order to minimise the visual impact of telecommunications equipment, the Camden Planning Guidance Note on Digital Infrastructure (2018) reflects the objective contained in Framework paragraph 115 to keep the number of telecommunications masts and sites to a minimum, consistent with the efficient operation of the network. The appeal proposal involves two operators sharing a site, which would help to reduce the overall number of installations required, and would use an existing building, which the Framework encourages for new capability.
25. The proposal would meet an identified need, and the appeal site would allow improved coverage to be provided. Being higher than surrounding structures, Hillview offers advantages for telecommunications service coverage by allowing the antenna's radio signal to clear nearby buildings and trees. However, it is also in a highly prominent and sensitive location, and I have found that the proposed installation would cause harm to a number of heritage assets, notably the setting of the listed St George's Terrace.
26. As part of the appeal submissions, information has been provided about alternative locations which were explored but subsequently discounted. To minimise the visual impact of the equipment, I agree that the use of an existing building is likely to be preferable to new street furniture or a freestanding mast within Primrose Hill, and note that, as part of the exercise, six alternative rooftop locations were identified. Two of these were deemed unsuitable because they have pitched roofs, whilst the other four were discounted because they would be of a lower height than the appeal site, so would not provide optimal coverage.
27. Finding a solution which meets technical and practical requirements, whilst minimising visual and other impacts is evidently not straightforward. The proposal would evidently provide a good technical and practical solution, but it is unclear whether it represents the only available option capable of providing an appropriate level of coverage to the target area, or whether, if the appeal site were unsuitable, any alternatives could be found in less sensitive locations.
28. The reasons given for discounting alternative sites are vague. In the absence of more detailed information about potential alternatives and why they would be unsuitable, I am not persuaded that this is the only or best available option to improve service provision for the two operators, whilst respecting the character of the area and preserving the setting of adjacent heritage assets.

### **Other Matters**

29. The proposal would comply with International Commission on Non-Ionizing Radiation Protection standards and therefore meet government guidelines in relation to public exposure. This is a neutral factor in the planning balance.
30. Since making its decision, the Council has identified that there is a roof terrace on Hillview which could be affected by the proposal. However, little information has been provided about the exact form and location of the terrace, making it difficult to fully assess the impact. Since I am dismissing the appeal for other reasons, I have not considered this matter any further.

31. The appellant has referred to several appeal decisions relating to telecommunications installations in various areas. The proposal to install equipment on the roof of a building on Chiswell Street, Islington, shares some similarities with the current appeal but, unlike the proposal before me, the Inspector found that there would be few, if any, locations where the installed equipment would be seen from public places silhouetted against the sky, rather it would be set against a backdrop of taller buildings. Whilst in that case the harm to the conservation area was found to be limited and was outweighed by the public benefits, that is not the case in the appeal before me, which would result in significant harm to the setting of designated heritage assets.
32. The case referred to at Leighton Buzzard Road, Hemel Hempstead involved the retention of a mast which was found to cause harm to a Grade II registered gardens. Whilst the appeal was allowed, planning permission was granted for a temporary period of 12 months only, to enable continued operation of the network until a replacement site was in operation. The circumstances of that case make it very different to the proposal before me.
33. The appeals at Southfleet, Malden Road and Belsize Park in Camden deal with telecommunications equipment on a building which, although prominent in the streetscene, already had a variety of maintenance equipment and other paraphernalia on the roof which resulted in some degree of visual clutter already in place. Furthermore, the Inspector in that case found that the visual impact of the additional equipment proposed could be successfully minimised and mitigated, which is not the case in the current appeal.
34. For the reasons set out, the cases referred to are different from the current case, and I give them little weight in this decision. The appellant has referred to two other appeals, at Havering College in Romford and Oaktree Stables in Cannock. Both deal with issues of Green Belt, and are relevant in relation to policy for the protection of MOL, which I have addressed above.

### **Planning balance and conclusion**

35. I have found that the siting and appearance of the equipment would cause significant harm to the setting of the listed terrace. Harm would also be caused to the setting of this part of the CA, and a lesser amount of harm to the setting of the registered park and garden. In addition, the proposal would have a detrimental impact on the streetscene of Ainger Road.
36. As directed by paragraph 199 of the National Planning Policy Framework (the Framework), in considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation, irrespective of the level of harm. In the context of Framework paragraph 202, the harm to the setting of the listed terrace would be less than substantial, and must be weighed against the public benefit of the proposal.
37. The proposed equipment would contribute to delivery of advanced, high quality and reliable communications infrastructure, which is recognised as being essential for economic growth and well-being in Framework paragraph 112. Given the increasing reliance on digital infrastructure within a very wide range of sectors, including businesses, health and education, and the widely acknowledged benefits which 5G provision can bring, I give considerable weight to the public benefits of the proposal. Although this weighs strongly in favour

of the scheme, it is not sufficient to overcome the significant harm to the setting of the listed St George's Terrace.

38. For the reasons given, the appeal is dismissed.

*R Morgan*

INSPECTOR