

Appeal Decision

Site visit made on 1 June 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2022

Appeal Ref: APP/X5210/W/22/3291415

Maple House, 149 Tottenham Court Road, London W1T 7NF

- 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 Dominic Gallagher MBNL, EE (UK) Ltd and H3G (UK) Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2021/2805/P, dated 9 June 2021, was refused by notice dated 12 August 2021.
 - The development proposed is the installation of a 10m rooftop stub tower supporting 12 no. antennas installed on new support poles fixed to the new tower headframe, 3 no. 0.6m dishes and retention of 1 no. 0.3m dish, 4 no. cabinets and retention of 2 no. cabinets on a steel platform, the removal of redundant equipment and steelwork and development ancillary thereto.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the 10m rooftop stub tower on the character and appearance of the area with particular regard to its effect on the setting of the Fitzroy Square and Bloomsbury Conservation Areas.

Reasons

4. Maple House sits outside of, but immediately to the east of the Fitzroy Square Conservation Area and outside of, but immediately to the north of the Bloomsbury Conservation Area.
5. The significance of the parts of both of these Conservation Areas close to the site sits largely with the form, scale, detailing and materials of their buildings.
6. Buildings which positively re-enforce the significance of the Conservation Areas can be observed to the west and south of the site within the attractively detailed building that hosts the Radisson Hotel and the similarly attractive Paramount Court development. These buildings make positive contributions to the character and appearance of the Conservation Areas.

7. Despite its rather austere appearance, modern origins and building material, Maple House makes a neutral contribution to the setting of the Conservation Areas given its form and scale is well in keeping with many of the surrounding buildings. Although the building currently hosts telecommunications equipment, this is notably low key and not especially obvious. The same is the case for other nearby rooftop equipment including the gantry crane on the adjacent building.
8. I appreciate that the design, positioning and height of the structure is beholden to operational requirements. However, the proposed 10m rooftop stub tower and the attached antennas, would form a wholly unattractive and cumbersome structure which would detract from the appearance of Maple House.
9. I also appreciate that the area is busy and active, hosts various forms of street furniture and that views when close to the building would be limited. However, the evidence indicates that the tower would be visible from the north, especially from Hampstead Road and its wide pavements to the north of Euston Road.
10. It would therefore be viewed in the same frame as the Radisson Building which is visible over the lower section of Warren Street Underground Station, where its appearance, height and prominence would detract from views of a building which makes a positive contribution to the character and appearance of the Fitzroy Square Conservation Area, therefore detracting from its setting and harming its significance.
11. The evidence further indicates that the tower would be visible from the south on Tottenham Court Road, particularly the pavement on its western side.
12. Subsequently, it would be viewed in the same frame as Paramount Court, where again its appearance, height and prominence would detract from views of a building which makes a positive contribution to the character and appearance of the Bloomsbury Conservation Area, therefore detracting from its setting and harming its significance.
13. The resulting harm to both Conservation Areas would be less than substantial and Paragraph 196 of the Framework¹ states that such harm should be weighed against the public benefits of the proposal.
14. I appreciate that upgrading and improving digital telecommunications is a key government priority and the upgrade would have benefits for users including 5G provision and the associated economic and social benefits of improved communications. The evidence indicates the site would support/enhance the Emergency Services Network.
15. Such benefits are of real substance. I appreciate that there are a number of constraints to improving telecommunications provision in the area and that there is clearly logic in considering sites that host existing equipment. However, the evidence does not indicate that other sites which may be able to provide other, less harmful solutions have been properly considered.
16. This tempers the weight that I can afford to the public benefits of the proposal, as it may be possible that those same benefits could be provided in a manner

¹ National Planning Policy Framework 2021.

which would result in lesser harm. The public benefits of the proposal do not therefore outweigh the harm identified.

17. The proposal would conflict with Policy D1 of the Camden Local Plan (2017) which amongst other things requires high quality design in development and that development respects local context and character and preserves or enhances heritage assets.

Planning Balance and Conclusion

18. There is nothing, including the provisions of the Framework to indicate that the decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR