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# Appeal Decision

Site visit made on 9 January 2013

**by Roisin M Barrett BSC(Hons) MSC Dip UD Dip Hist Cons MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 5 March 2013**

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## **Appeal Ref: APP/A5270/A/12/2180619**

### **Corner of St Stephens Road and Castlebar Road, London W13 8JD**

- 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 Openreach against the decision of the Council of the London Borough of Ealing.
  - The application Ref P/2011/5163, dated 8 December 2011, was refused by notice dated 3 February 2012.
  - The development is described as 'the retention of existing telecommunications equipment including 1 X DSLAM (Digital Subscriber Line Access Multiplexer) Superfast Broadband cabinet 1600MM X 1200MM X 450MM.'
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. The DSLAM Superfast Broadband cabinet is already in place on the public footway. As the development on site complies with the application drawings, I am determining this appeal on the basis of development as built.

### **Main Issue**

3. The main issue is whether the DSLAM Superfast Broadband cabinet preserves or enhances the character or appearance of the Grange and White Ledges Conservation Area.

### **Reasons**

4. The appeal site comprises a small area of highway land on which the appeal cabinet is located. It is sited on an area of wide pavement, in front of a small green open space, at the junction of St Stephens Road and Castlebar Road.
  5. The character and appearance of the Grange and White Ledges Conservation Area is generally comprised of high quality houses set within an ordered layout, amongst open spaces with high quality landscaping. The overall impression is ordered, spacious, green and verdant. The green open spaces either side of the road, at the junction of St Stephens Road and Castlebar Road, contribute to this character and appearance.
  6. The cabinet is prominently located at the corner of two streets adjacent to an existing street cabinet. Due to its siting on an open corner location and as it is significantly higher than the white timber post and rail fence that encloses the
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green space behind, it reads as excessively prominent in the street scene despite the backdrop of planting and a wall. It detracts from the green and spacious street entrance.

7. Moreover, as it is higher than an existing cabinet that sits very near and despite its general similarity, in terms of design and colour, the appeal cabinet looks out of place. It sits at an angle to the smaller cabinet, as the street turns the corner, and whilst it maintains some element of symmetry with it and complies with Secure By Design principles, this alignment adds to the poor relationship between the two, particularly in views from St Stephens Road and looking up Castlebar Road. The appeal cabinet, located close to the smaller cabinet, results in a moderately cluttered appearance. As street furniture in the near vicinity of the appeal site, is generally simple, painted black and thoughtfully and sparsely located, this is uncharacteristic in the Conservation Area. All in all, the appeal cabinet is excessively prominent, adds to street clutter and significantly detracts from the ordered, spacious and green character and appearance of the Conservation Area.
8. I have noted that the appeal cabinet is painted a similar colour to the planting behind, and that the trees help to soften its appearance. I also acknowledge that the appeal cabinet is located near to an existing cabinet, which the appellant suggests concentrates the harm, and that it is located some distance from residential frontages and listed buildings, on the edge of the Conservation Area. However, it would still significantly detract from the ordered setting of the buildings, which individually are not of significant architectural merit, but collectively have significant local value as a heritage asset.
9. I acknowledge the efforts made to design and site a feature that would meet the operator's requirements, whilst minimising its visual impact and reflecting an existing feature. I am also aware that it is the minimum size required for its purpose together with the technical constraints on its siting and that the use of one cabinet to accommodate the operator's requirements reduces street clutter. I also note that it would not impede pedestrian movement or adversely affect highway safety. However, these matters do not outweigh the significant harm that I have identified to the character and appearance of the Conservation Area.
10. The proposal, therefore, fails to accord with The London Plan: *Spatial Strategy for Greater London* (2011), Policies 7.4, 7.5 and 7.8 and London Borough of Ealing *New Plan for the Environment Adopted Unitary Development Plan* (2004) Policies 4.1, 4.8 and 4.13. These, together, promote high quality design that protects conservation areas, minimises street clutter and the visual impact of necessary and safe telecommunications equipment, which includes the appeal cabinet. It would also fail to accord with advice set out in the *Grange and White Ledges Conservation Area Appraisal and Management Plan* (2009), which aims to avoid street clutter and preserve the open and spacious character and appearance of the Conservation Area.
11. In terms of the assessment required by Paragraph 134 of the National Planning Policy Framework (the Framework), the harm identified to the character and appearance of the Conservation Area would be less than substantial but the public benefits of the development in terms of the provision of superfast high speed broadband in the locality and its contribution to economic sustainable growth do not outweigh this.

*Other Matters*

12. The installation is aimed at providing high speed broadband services in the locality of the appeal site, and forms part of British Telecommunications Ltd Next Generation Access Project, supported by the Government. I note the justification of need for the proposal, and the assessment of alternative sites. I have taken account of the Core Planning Principles set out in Paragraph 17 of the Framework, which advises that planning should proactively drive and support sustainable economic development. I have also had regard to Part 5, which seeks to facilitate the growth of new and existing telecommunications systems, whilst minimising environmental impact. However, I conclude that these matters do not outweigh the significant harm to the character and appearance of the Conservation Area that I have identified above.
13. As the cabinet does not generate either airborne telecommunications signal or electro magnetic field there is no requirement for the applicant to demonstrate compliance with the guidelines of the International Commission on Non-Ionising Radiation Protection. In any event the appeal fails for other reasons.
14. Whilst the Council comments that the cabinet should be relocated to make space for a possible new cycle lane, this does not form part of the reason for refusal and as the appeal fails for other reasons, it is not necessary for me to address this matter further.

**Conclusion**

15. For the reasons set out above, I hereby dismiss this appeal.

*Roisin M Barrett*

INSPECTOR

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