



## Adroddiad

Ymweliad â safle a wnaed ar 12/12/05

## Report

Site visit made on 12/12/05

gan/by **A D Poulter** BArch RIBA

**Arolygydd penodwyd gan Cynulliad  
Cenedlaethol Cymru**

**an Inspector appointed by the National  
Assembly for Wales**

Dyddiad/Date

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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78

*and*

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990,

SECTION 20

APPEALS BY

T-MOBILE (UK) LTD

St Thomas's Church, Bath Street, Rhyl LL18 3LU

**Appeal A: File Ref APP/R6830/A/05/1190927**

**Appeal B: File Ref APP/R6830/E/05/1190947**

**Site address: St. Thomas's Church, Bath Street, Rhyl L18 3LU.**

- Appeal A is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- Appeal B is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeals are made by T Mobile UK Ltd. against the decisions of Denbighshire County Council.
- The application relating to Appeal A, Ref 45/2004/0776/PF, dated 10 June 2004, was refused by notice dated 8 July 2005.
- The application relating to Appeal B, Ref 45/2004/1110/LB, dated 19 August 2004, was refused by notice dated 8 July 2005.
- With regard to Appeal A, the development proposed is described as the replacement of existing louvres with GRP louvres to facilitate the internal installation of a mobile phone base station. With regard to Appeal B, the same works are described as the installation of a mobile phone base station and replacement of existing louvres with GRP to match in colour, form and texture.

**Summary of Recommendations: That both appeals be dismissed**

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**Procedural Matters**

1. The site inspection was made unaccompanied, from surrounding streets.
2. The appellant company has questioned whether planning permission is required for the proposed development. However, a planning application was made and the relevant appeal is therefore before the Assembly.
3. The drawings provided relating to the application for listed building consent comprise the most up to date and detailed information available to me. Although there are discrepancies between this set and the set relating to the application for planning permission, and revisions have been made to some drawings since the application was made, the differences are not material to the issue in dispute. The latest drawings and revisions pre-date the Council's decision. I shall therefore consider both appeals on the basis of the drawings provided relating to the application for listed building consent<sup>1</sup>.
4. Sections 16(2) and 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (LBCA Act) require special regard to be given to the desirability of preserving a listed building, or any features of special architectural or historic interest which it possesses. Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Welsh Office Circular 61/96: *Planning and the Historic Environment: Historic Buildings and Conservation Areas*, sets out related advice on the legislation and procedures. Amongst other general principles relating to listed buildings, Paragraph 2 of Annex D to the Circular advises that historic buildings should be considered in the same light as antiques, paintings or manuscripts. It also draws attention to the general principle that replacement of features and details should be on a like-for-like basis. This advice is repeated at several points in Annex D.

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<sup>1</sup> Drg Nos 1139/037/001, 002, 003A, 004A, 005A, 106B, 107B, 108C, 109, 110B, 111B, 112B, & 113A

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## **The Site and Surroundings**

5. St. Thomas's Church is listed Grade II\*. It is located close to Rhyl Town Centre on the corner of two busy main streets. It is described as a fine example of high Victorian gothic and a prominent feature of the townscape. Reference is made in the list description to the tower, and to its paired bell chamber lights. These are fitted with timber louvres. The site lies at the heart of the Rhyl Conservation Area within a densely developed area of mixed commercial, residential and other development.

## **Planning Policy**

6. The development plan for the area comprises the *Denbighshire Unitary Development Plan 1996-2011* (UDP). Policy GEN 6(ii) resists proposals that would unacceptably affect the townscape or the historic environment. Policy CDN 2 resists alterations to a listed building that would detrimentally affect its character as a building of architectural or historic interest. Policy CON 4 prefers the use of indigenous building materials for the alteration of historic buildings. Policy CDN 5 resists proposals that would not preserve or enhance the character or appearance of conservation areas.
7. National planning policy relating to the conservation of the historic environment is set out in Chapter 6 of *Planning Policy Wales (2002)* (PPW). National planning policy with regard to telecommunications is set out in sections 12.11 – 12.13 of PPW. *Technical Advice Note 19: Telecommunications* (TAN 19) gives related supplementary guidance. The need for, and benefits arising from modern, high-speed telecommunications systems are recognised in paragraph 12.11.1 of PPW. Paragraph 12.13.5 advises that the aim should be to find optimum solutions to development requirements.

## **The Proposal**

8. The proposed installation would include equipment cabinets and associated cable trays and access structures within the church bell tower. Four pole-mounted antennas would be installed, one on each internal face of the bell tower within one of the paired bell chamber lights. The antennas would be positioned behind replacement GRP louvres. Timber louvres would be retained in the bell chamber lights where replacements would not be required.

## **Other Agreed Matters**

9. The need for an installation of the type proposed has not been questioned by the local planning authority. No objection has been raised to the proposed works within the bell tower or to the proposed positioning of a meter cabinet adjacent to a boundary wall. It is not contended that the proposal would have any adverse effect on public health or safety.

## **The Case for Denbighshire County Council**

10. The characteristics of glass reinforced plastic (GRP) and natural timber are very different, and differences become more prominent over time. The inadvisability of using GRP on historic buildings is attested to by cases in which the material and fixings failed, with consequent effects on the historic character of the buildings concerned. The removal of an original part of the building and its replacement with an inferior, modern, artificial material would have an adverse impact on the quality and character of the building, which is of outstanding architectural interest. As the appeal site features prominently within the Conservation Area the proposal would also affect its character and appearance.
11. Account has been taken of all the information submitted in relation to the need for the installation, the lack of alternative sites, and the legal obligation on the appellant to provide a

modern telecommunications network in this area. Whilst it has been stated that in some cases this has been shown to be a material planning consideration that would outweigh other impacts, in this case the local planning authority (LPA) does not want to jeopardise the integrity and quality of this important building. As an outstanding building, the integrity and quality of its construction, materials and detailing are of paramount importance.

### **Written Representations**

12. **Cadw** has drawn attention to the St Thomas's Church spire having won plaudits from several commentators. It has the additional distinction of having been judged to be of outstanding architectural interest by the Historic Buildings Council for Wales. Grants totalling £130,000 have been paid by the Welsh Assembly Government towards the cost of repairs.
13. It is Cadw's view that steelwork supports and attachments would involve a considerable amount of intervention in the historic fabric of the church tower. More significantly, the proposed replacement of many of the original timber louvres with GRP copies would devalue the outstanding quality of the church, together with its architectural and historic integrity. Parallels are drawn with other works of art, such as a Chippendale chair, where replacement of parts with GRP would be expected to affect character and value. Moreover, the weathering characteristics of GRP are completely different to those of timber and differences would swiftly become apparent. The implied degree of maintenance and attendant risk of damage associated with annual inspections increases concerns. The storing of the removed louvres within the building for eventual restitution would be of some service to reversibility, but in the meantime the building would be degraded.

### **The Case for T Mobile UK Ltd.**

14. There is a clear need for a new installation to provide coverage to the surrounding area in accordance with the appellant's licence obligations. Alternative sites have been investigated. There are no established telecommunications sites in the search area which could be utilised. Several existing buildings and structures were investigated, but other than the appeal site, none were found to be suitable and available. The use of small-scale equipment was discounted for technical reasons. A minimum of four 12m high ground based masts would be required to provide the same level of coverage as an installation within the church tower. Alternatively, a site at a shopping centre car park would be close to housing and would be unsuitable for technical reasons relating to height, and visual impact. The chosen site would, however, provide the necessary coverage whilst minimising the impact on the surrounding environment.
15. The design of the proposal is such that no telecommunications equipment would be visible in any view of the church. For technical reasons, replacement GRP louvres would be necessary. However, a specialist company would be employed to ensure that replacements would be of the same colour, form and texture as the existing louvres. There will therefore be no noticeable difference. The existing louvres have been in position for several years and are unlikely to further weather significantly over the coming years. Only some louvres would be removed, thus preserving the majority of the historic integrity of the windows. A condition requiring the removed louvres to be stored in the belfry and replaced when the installation is removed would be acceptable, as would conditions relating to the appearance of the replacements, annual inspection and matching of appearance, and compliance with agreed detailed schedules of works. Any fixings would be into mortar joints that could be repaired.
16. There would therefore be no material impact on the appearance or architectural integrity of the building, and no long-term impact on its structure or its historic interest. The proposal

takes account of the advice within Circular 61/96 that recognises that listed buildings can sustain a degree of sensitive alteration. In this case the overall impact on the setting and character of this listed building and the conservation area would be immaterial.

17. This would be a bespoke solution to providing telecommunications coverage to this sensitive conservation area with no impact on the surrounding environment. This clearly meets the National Assembly guidance contained within TAN 19 and PPW. The proposal will provide much needed funds to the church for the upkeep of the building and other local projects that it is involved in.

## **Appraisal**

### *Listed Building and Conservation Area*

18. The relative importance and national significance of St Thomas's Church is recognised by its designation as a Grade II\* listed building, which in accordance with the advice contained in paragraph 47 of Circular 61/96, places it amongst the top 7.3% of listed buildings in Wales. Its tower and bell chamber lights are mentioned in the list description.
19. The timber louvres are not themselves described, but their absence from the list description does not indicate that they are not of interest. They take the form of long, narrow, timber staves, arranged vertically in overlapping tiers. In my experience they are distinctive and unusual in this respect. I therefore consider them to be a feature of special architectural interest. As harmonious and integral elements of the overall architectural composition of the bell tower they also make a significant contribution to the building's visual appeal, and thereby to the character and appearance of the Conservation Area.
20. It can be clearly seen from nearby streets and photographs provided by the Council that the timber of the louvres has weathered to soft, natural colours and textures, and that they have many natural irregularities. In my opinion the use of timber thus helps to integrate the louvres with the natural weathered appearance of the surrounding stonework, thereby contributing to the building's aesthetic appeal.
21. A sample replacement GRP louvre has been provided by the appellant. Whilst this attempts to mimic the colour, form and texture of the existing louvres it lacks the subtle variations of the naturally weathered timber originals. Furthermore, the reflective qualities of the sample's finish are in my view unlike those of weathered timber. I therefore consider that GRP replacement louvres would be likely to stand out as obvious and unsympathetic replacements, even when first installed and when seen from a distance. This is unlikely to be overcome by annual inspection and retouching, or by any of the other conditions that have been suggested. The proposal to replace the louvres in some, but not all of the lights would emphasise the contrast and highlight the unsympathetic replacements.
22. I consider for the above reasons that the appeal proposal would significantly mar the character and appearance of the listed building. In view of the prominence of St Thomas's Church it would also be harmful to the character and appearance of the surrounding area. It would therefore not preserve the listed building, nor would it preserve or enhance the character or appearance of the Conservation Area. In my opinion the appeal proposal would conflict in these respects with the requirements of the LBCA Act and the advice contained in Circular 61/96. It would also conflict with Policies GEN 6(ii), CDN 2, CDN4 and CDN5 of the Denbighshire UDP, and with national planning policy set out in Chapter 6 of PPW. In view of the special regard and attention to be given to such matters this is a consideration which in my opinion weighs heavily against the proposal.

23. The appellant company has provided photographs of examples of other installations. These illustrate that in some circumstances the installation of telecommunications apparatus within a church bell tower and the fitting of replacement GRP louvres can be acceptable. However, all of the examples provided relate to bell towers with more conventional horizontal louvres. The circumstances are therefore significantly different. In any event, as each application must be considered on its own merits I do not consider that these examples justify what in this case would be a harmful form of development.

#### *Telecommunications and Other Considerations*

24. Several other existing buildings and structures were investigated as potential alternative sites, and it is not the thrust of planning policy or best practice codes that searches for alternative sites should be exhaustive. However, Rhyl Town Centre contains a large number of potentially suitable commercial and other premises, many of which are less sensitive buildings than St Thomas's Church. Furthermore, although several ground based masts may be required to provide the same level of coverage as an installation within the church tower, these may be capable of being sited and designed sympathetically or camouflaged to enable them to blend into the townscape. In these circumstances I consider it likely that if existing buildings and structures and possible new sites were further investigated a less environmentally damaging solution could be found.
25. I therefore do not consider that it has been shown that the appeal proposal would provide the optimum solution to development requirements. The proposal would conflict with the objectives of national planning policy and guidance set out in PPW in this respect. I therefore give little weight to the potential benefits of improved telecommunications that would arise from an installation at this site.
26. Although the proposal may provide funds to the Church for its upkeep and other projects there is no evidence relating to the level of support or need. The Church has received grant aid towards repairs in the past and may do so again in the future if necessary. I therefore give little weight to this consideration.

#### **Conclusions and Recommendation**

27. For the reasons I have set out above, and having regard to all other matters that have been raised, I consider that the harm and conflict with statutory requirements and planning policy I have identified in paragraphs 21 and 22 above would clearly outweigh other considerations. Accordingly, I recommend that both appeals be dismissed.



**INSPECTOR**