

Appeal Decision

Site visit made on 27 June 2017

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 14 July 2017

Appeal Ref: APP/V5570/W/17/3172674

O/s Pizza Express, 335-337 Upper Street junc Islington Green, Islington, London N1 0PB.

- 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 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended).
 - The appeal is made by Mr Nathan Still (on behalf of Infocus Public Networks Ltd) against the decision of the Council of the London Borough of Islington.
 - The application Ref P2017/0338/PRA, dated 25 January 2017, was refused by notice dated 15 March 2017.
 - The development proposed is the installation of a freestanding payphone kiosk on the pavement.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the interests of clarity, I have taken the description of the development in the heading above from the appeal form.

Background and Main Issues

3. The proposal is for a payphone kiosk that was refused prior approval under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended). The principle of this type of development is already established by the Order and it is only the effects of siting and appearance which are to be considered in this appeal.
4. The main issues are therefore the effects of the siting and appearance of the proposed kiosk on:
 - users of the pavement and highway.
 - The Angel Conservation Area (having particular regard to whether the proposal would preserve or enhance the character or appearance of the Conservation Area).

Reasons

Pavement and highway

5. The proposed kiosk would be situated on the pavement outside a Pizza Express restaurant. There are a number of other restaurants and retailers in the area

and a tube station further along the road to the south. During the course of my site visit (which took place on a weekday afternoon) I noted that there was a particularly high pedestrian footfall in the vicinity of the proposed kiosk.

6. The Transport for London (TFL) document Pedestrian Comfort Guidance for London 2010 recommends standards for pavement widths. In their consultation response, Transport for London (TFL) describe the location as being an active high street and argue that the pavement is too narrow to accommodate the proposed kiosk and maintain an acceptable width of 3.3 metres.
7. I noted during my site visit that the Pizza Express restaurant has outdoor seating which already narrows the pavement in this location, condensing pedestrian flows. Whilst the appellant argues that the proposed kiosk would maintain a pavement width of 2 metres or more, in my view the addition of the kiosk would lead to the pavement becoming unacceptably narrow at this point, impeding pedestrian movements. This is likely to be particularly apparent during peak commuting times when the area is especially busy and I am mindful that there is a tube station nearby. I also agree with the Council that during such times the kiosk would increase the propensity for people to step out into kerb in order to bypass this part of the pavement, which has potential to become something of a bottleneck. This clearly raises highway safety concerns given the volume of traffic near a busy road junction.
8. I therefore conclude on this issue that the siting of the proposed kiosk would have a harmful effect on users of the pavement and highway. The proposal would conflict with Policy DM 8.2 of Islington's Local Plan Development Management Policies 2013 (the Local Plan) which makes it clear that development should promote safe and convenient access for pedestrians, cyclists and public transport users.

Character and appearance

9. The site is within The Angel Conservation Area, the significance of which lies mainly in the architectural quality of the built environment, including the appearance of the street scene. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. The Islington Streetbook Supplementary Planning Document 2012 (the SPD) aims to reduce street clutter and rationalise existing street furniture wherever possible. Existing street furniture in this location includes an interpretation board and cabinets outside Pizza Express, as well as litter bins. These are relatively small structures and not visually prominent. The proposed kiosk would introduce additional development, but given there is relatively limited furniture on this part of the pavement it would not lead to the street scene appearing especially cluttered at this point.
11. However, the kiosk would be situated in a visually exposed position as it would be situated near a bend in the pavement close to a busy junction. Although the kiosk would maintain a simple, functional design in general keeping with a commercial area such as this, it would nonetheless be larger than a standard telephone box and relatively conspicuous within its setting.

12. The kiosk would be highly visible when approaching the site from Upper Street and Islington Green and would appear disproportionately prominent in this location. This would visually distract from other elements of the built environment, undermining the significance of the Conservation Area in this location. In reaching this decision I am very mindful of the 'great weight' which the Framework attaches to the protection of heritage assets.
13. Whilst I have found that the proposal would cause harm to the appearance of the Conservation Area, I consider that the harm I have identified would be less than substantial (as defined in the Framework) and thus paragraph 134 advises that this harm should be weighed against any public benefits associated with the development. The Framework indicates that communications infrastructure is essential for sustainable economic growth and also plays a vital role in enhancing the provision of local community facilities and services. Although I recognise that the proposed kiosk would make a positive contribution to these aims through the provision of a wheelchair accessible payphone service, this does not outweigh the harm that I have identified above.
14. I therefore conclude on this issue that the siting and appearance of the proposed kiosk would harm the character and appearance of The Angel Conservation Area. There would be conflict with Policy DM 2.1 of the Local Plan which requires appropriate standards of urban design.

Conclusion

15. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

C Cresswell

INSPECTOR