
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/17/3172692

O/s Lodos Food Centre, 87-91 Old Street, Islington, London EC1V 9JJ

- 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 P2017/0345/PRA, dated 25 January 2017, was refused by notice dated 16 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 allowed and approval is granted under the provisions of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended) for the installation of a freestanding payphone kiosk on the pavement by an electronic communications code operator, at O/s Lodos Food Centre, 87-91 Old Street, Islington, London EC1V 9JJ in accordance with the terms of the application Ref P2017/0345/PRA, dated 25 January 2017 and the plans submitted with it.

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:
 - highway safety.
 - the character and appearance of the area.

Reasons

Highway safety

5. Section 11.2 of the Transport for London (TFL) Streetscape Guidance 2016 explains that pavements can be divided into different zones. According to the guidance, a space needs to be provided from the edge of the kerb that is kept free of all street furniture. Figure 205 indicates that this should be at least 450mm in width but may need to be as wide as 650mm. It is made clear that the width of the kerb zone will vary according to the context.
6. Although Old Street (the A5201) is not part of the TFL Road Network, it is nonetheless a relatively busy urban route carrying a good deal of traffic. However, there is a dedicated cycle lane which commences just after the pelican crossing near the junction of Central Street. This is reasonably wide and therefore reduces the potential for conflicts between cyclists and vehicles in the immediate vicinity of the proposed kiosk.
7. The kiosk would maintain an unobstructed kerb width of 510 mm. This falls within the range deemed acceptable in the guidance. Although TFL suggest that the kiosk should be set back by a distance of 600mm, it is not entirely clear from the evidence presented how this figure was arrived at. I appreciate that obstructions which force cyclists further out into the road, even by a marginal distance, could increase the risk of accidents occurring. However, given the presence of the cycle lane and my observations of the site, I do not consider that the positioning of the kiosk would increase the likelihood of conflicts occurring between cyclists and vehicles.
8. Based on the evidence before me, I therefore conclude on this issue that the siting of the proposed kiosk would have an acceptable effect on highway safety. The proposal would accord with Policy DM 8.2 of Islington's Local Plan Development Management Policies 2013 (the Local Plan) which indicates that development should promote safe and convenient access for pedestrians, cyclists and public transport users.

Character and appearance

9. This part of Old Street contains a mix of retail, office and residential premises. The pavement is relatively clear of street furniture on this side of the road. Apart from traffic lights and lamp posts, the only prominent item of street furniture is a bus shelter some distance to south west.
10. The proposed kiosk would be larger than a standard phone box but would have a relatively simple, functional appearance. Viewed in isolation, the kiosk would not appear particularly out of place within a central urban street scene such as this. My attention has been drawn to the Islington Streetbook Supplementary Planning Document 2012 which aims to reduce street clutter and rationalise existing street furniture wherever possible. Given the lack of other street furniture in the vicinity, the proposed kiosk would not result in the street scene becoming particularly cluttered at this point. While the kiosk would add to the quantum of street furniture in this location, there is little before me to indicate that it would necessarily harm the street scene.
11. I therefore conclude on this issue that the siting and appearance of the proposed kiosk would have an acceptable effect on the character and

appearance of the area. The proposal would not conflict with Policy DM 2.1 of the Local Plan which requires appropriate standards of urban design.

Conclusion

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

C Cresswell

INSPECTOR