
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/17/3172684

O/s Tesco Express, 627-635 Holloway Road aft St Johns Road, Islington, London N19 5SS

- 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 P2017/0341/PRA, dated 25 January 2017, was refused by notice dated 10 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. I have taken the description of the development in the heading above from the appeal form as it more accurately describes the proposal.

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 effect 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. In this particular instance, the Council advise that TFL require an unobstructed space of 650mm from the edge of the kerb (the maximum width indicated within the guidance).

6. Holloway Road (the A1) is part of the TFL Road Network and the Council inform me that it is particularly busy route for traffic as it is the main arterial road heading north from central London. This part of road has a bus lane which runs parallel to the appeal site and I noted during my site visit that it is well used by buses, motorcycles and cyclists. Considering the high volume of traffic using the road, it seems reasonable for TFL to require an unobstructed kerb zone of 650mm in this location. There is little evidence before me to indicate that the kerb zone does not need to be this wide.
7. The proposed kiosk would be 500mm from the edge of the kerb and I recognise that it would only be 150mm closer to the road than TFL have stipulated. Nonetheless, I am conscious that any obstruction which forces cyclists further out into the bus lane, even by a marginal distance, could increase the risk of accidents occurring. I also recognise the potential for traffic to be slowed down by cyclists having to ride further from the kerb. Therefore, in the absence of any substantive evidence to the contrary, I am minded to agree with TFL that the proposed kiosk would represent a safety hazard as well as interfering with the flow of traffic in this location.
8. I therefore conclude on this issue that the siting of the proposed kiosk would have a harmful effect on highway safety. The proposal would not 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 Holloway Road contains a mix of retail and other commercial premises, as well as residential units (mostly on upper floors). There is not a great deal of prominent street furniture on this particular part of the pavement. Further to the west there is a bus shelter and to the east there is a phone box, but these are relatively distanced from the proposed kiosk. Although there are also litter bins along the street frontage these are not very prominent features due to their small size.
10. The Islington Streetbook Supplementary Planning Document 2012 (the SPD) aims to reduce clutter and rationalise existing street furniture wherever possible. However, considering that the pavement in this location is relatively free of street furniture, the kiosk would not lead to the street scene becoming unacceptably cluttered even though it would clearly add to the quantum of development in this location. Whilst the kiosk would be larger than a standard telephone box, its relatively simple and functional design would not look out of place within a commercial area such as this.
11. Although TFL refer to footway improvements in the area, little information has been provided about this or how the proposed kiosk would interfere with the urban design objectives of the area. Similarly, there is little to indicate that the roots of the street trees would be affected by the proposal.

12. Based on the evidence before me, I therefore conclude on this issue that the siting and appearance of the proposed kiosk would not harm 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.

Other matters

13. The National Planning Policy 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. I recognise that the proposed kiosk would make a positive contribution to these aims through the provision of a wheelchair accessible payphone service. However, despite these benefits, and the fact that the kiosk would have an acceptable effect in terms of character and appearance, this does not outweigh the harm to the pedestrian environment that I have identified above.

Conclusion

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

C Cresswell

INSPECTOR