
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/17/3172670

O/s City and Islington College, Goswell Road junc Friend Street, Islington, London EC1V 7LA

- 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 P2017/0336/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 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 character and appearance of the area.

Reasons

Pavement and highway

5. The proposed kiosk would be situated outside a college on a wide section of pavement where there are four bicycle stands. The plans show that the kiosk would be positioned between two of the bicycle stands close to the kerb.

According to the measurements provided by the appellant, there would only be a 60cm separation distance between the kiosk and the nearest stand. In my view, this would be insufficient space for a person to comfortably manoeuvre their bike onto the side of the stand facing the kiosk and lock it.

6. I note that the kiosk would also be close to another bicycle stand, although the exact separation distance is not clear from the plans. As the drawings indicate that the kiosk would be next to a manhole cover (rather than over it) access to this could still be maintained. However, overall, I consider that the siting of the kiosk would result in an unacceptably cramped arrangement that would inhibit easy access to the bicycle stands.
7. Transport for London (TFL) express concern that the position of the proposed kiosk would inhibit views for drivers and cyclists approaching the bus stand. The kiosk would be a relatively substantial structure of over 2.5 metres in height and given that the pavement in this location extends further out into the road than the bus stand, there is clear potential for the kiosk to interfere with sight lines from approaching vehicles. With this in mind, I am conscious that buses and taxis regularly pull out of the bus stand, which commences just beyond the site of the proposed kiosk. Based my observations during the site visit, it seems to me that the kiosk would be a potentially hazardous feature. Little in the way of countervailing evidence has been provided to demonstrate that the sight lines for passing traffic would remain acceptable.
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 Islington Streetbook Supplementary Planning Document 2012 (the SPD) aims to reduce street clutter and rationalise existing street furniture wherever possible. Although there are bicycle stands on this side of Goswell Road, these are not very prominent due to their small size and there is not a great deal of other street furniture in the immediate vicinity of the appeal site. As such, the proposed kiosk would not lead to the pavement assuming a particularly cluttered appearance.
10. However, the kiosk also needs to be appreciated within the wider context of the street scene. In this case, the pavement on which the kiosk would be situated is relatively prominent as it protrudes further away from the building line than the pavement to the north and south along this part of Goswell Road. While the functional and relatively simple design of the kiosk may be in keeping with a central urban area such as this, it would nonetheless be larger than a standard telephone box and relatively conspicuous. When approaching the site in either direction along this side of Goswell Road, the kiosk would be highly visible on this projecting section of pavement. It would be seen in profile against the open backdrop of the street and appear isolated and disproportionately prominent within its setting. As such, it would be a discordant feature within the context of the street scene.

11. I therefore conclude on this issue that the siting and appearance of the proposed kiosk would harm the character and appearance of the area. The proposal would conflict with Policy DM 2.1 of the Local Plan which requires appropriate standards of urban design.

Other matters

12. 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, this does not outweigh the harm that I have identified above.

Conclusion

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

C Cresswell

INSPECTOR