

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/17/3172683

O/s Boots, 410 Holloway Road bef junc Tollington Road, Islington, London N7 6QA

- 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 P2017/0342/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:
 - the character and appearance of the area.
 - users of the pavement and highway.

Reasons

Character and appearance

5. This part of Holloway Road is a busy shopping area and contains a number of large retail premises. The proposed kiosk would be situated on the pavement immediately outside a Boots store in an area that is currently occupied by bicycle stands. Further to the north west there is a bench, more bicycle

stands, a street cabinet, two telephone boxes and a bus shelter. To the south east there is a litter bin, street cabinets and two telephone boxes. The proposed kiosk would therefore be situated on a part of the pavement where there is already a good deal of street furniture of various shapes and sizes.

6. The proposed kiosk would be a rectangular, metal structure with transparent side panels and photovoltaic cells on the roof. It would be larger than a typical payphone kiosk and would have an open side to allow easier disabled access. Viewed in isolation, the kiosk would not appear out of place within a commercial area such as Holloway Road.
7. However, I am mindful that the Islington Streetbook Supplementary Planning Document 2012 (the SPD) aims to reduce street clutter and rationalise existing street furniture wherever possible. The proposed kiosk would be a larger and more prominent feature than the existing bicycle stands and would noticeably add to the quantum of street furniture in this location. In combination with the other street furniture along this part of Holloway Road, the kiosk would make the pavement assume an even more cluttered appearance at this point, undermining the visual quality of the street scene.
8. I therefore conclude on this issue that the siting and appearance of the proposed kiosk would harm the character and appearance of the area. There would be conflict with Policy DM 2.1 of Islington's Local Plan Development Management Policies 2013 (the Local Plan). This requires appropriate standards of urban design.

Pavement and highway

9. The proposed kiosk would require the removal of two bicycle stands. I note that the appellant has proposed relocating two bicycle racks further to the north west. However, as this would only leave a one metre gap between one of the relocated stands and the bench, it would result in a somewhat cramped arrangement. If a bike were to be attached to the side of the stands nearest the bench, it would potentially interfere with people sitting there especially if they had items such as pushchairs or shopping.
10. I note that there would also be a one metre gap between the proposed kiosk and the nearest remaining bicycle stand. This would lead to a similarly cramped arrangement which would impede easy access to that side of the stand for anyone needing to secure their bike.
11. I accept the appellant's point that pedestrian flow along Holloway Road would be maintained as the majority of the pavement would remain unimpeded. Similarly, the kiosk would have little effect on highway safety as it would not affect the flow of traffic on the road. Although the Council argue that the kiosk would obstruct the servicing of nearby retail units, it is unlikely to make a substantial difference given that there are already obstructions (in the form of bicycle racks) situated on the proposed site.
12. I conclude on this issue that the siting of the proposed kiosk would have a harmful effect on users of the pavement. The proposal would conflict with Policy DM 8.2 of the Local Plan which indicates that development should promote safe and convenient access for pedestrians, cyclists and public transport users.

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. While 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.

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