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# 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**

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**Appeal Ref: APP/V5570/W/17/3172676**

**O/s Virgin Active Gym, Goswell Road after jun Owen Street, Islington, London EC1V 7DG**

- 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 P2017/0337/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. This part of Goswell Road is situated a short walking distance to the south of the main Angel shopping area and tube station. The proposed kiosk would be situated outside a building containing flats and a gym (Virgin Active) and there

is a college to the south. Transport for London (TFL) classifies the pavement as 'active' within their consultation response and I concur with this assessment. During the course of my site visit, which took place on weekday lunchtime, I noted that the pavement was relatively busy in this area. Considering its close proximity to a tube station and central shopping area it is likely to experience even higher flows during peak commuting periods.

6. The appellant's drawing shows that the width of the pavement between the proposed kiosk and the building line would be 3.3 metres. However, the building in question has an overhanging canopy which is not formally part of the pavement. If this area is discounted from the measurements, the presence of the kiosk would reduce the width of the pavement below 3.3 metres indicated on the drawings.
7. Although the area of the pavement underneath the canopy is mostly open, it is supported by concrete pillars which reduce the width of the pavement at particular points along the street. As people need to walk outside the canopy to avoid the concrete pillars, it inhibits the flow of pedestrians. Therefore, in practice, the canopy reduces the useful width of the pavement. I am also mindful of the Council's point that a subsequent occupier may choose to place street furniture (for example planters) under the canopy in the future.
8. The proposed kiosk would result in the pavement becoming relatively narrow at this point. The TFL document Pedestrian Comfort Guidance for London 2010 recommends standards for pavement widths. It seems to me that insufficient evidence has been presented to demonstrate compliance with this guidance or to explain why the recommended standards should not apply in this particular case. Indeed, it seems likely that during peak flows the kiosk has potential to cause something of a bottleneck along this part of the street, even though the appellant argues that a width of at least 2 metres would be maintained. As well as causing inconvenience and obstruction, the kiosk would increase the propensity for pedestrians to step out into the road to avoid the obstacle, undermining highway safety.
9. 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*

10. 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 central urban area such as Goswell Road.
11. The Islington Streetbook Supplementary Planning Document 2012 (the SPD) aims to reduce street clutter and rationalise existing street furniture wherever possible. This part of Goswell Road does not contain a great deal of other street furniture on this side. While there are a number of bicycle stands next to the kerb, they are not particularly prominent structures due to their small size.

The maps I have been supplied with indicate that the site is not within a Conservation Area.

12. Considering that the proposed kiosk would not be situated on a part of the street where there is already a great deal of prominent street furniture, it would not lead to a particularly cluttered street scene. Although TFL refer to footway improvements in the area, little information has been provided about this or how the proposed kiosk would interfere with urban design objectives in the area.
13. Based on the evidence before me, 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.

*Other matters*

14. 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**

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