
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/17/3172686

O/s Angel Shopping Centre, Liverpool Road opp Sainsburys, Islington, London N1 0RW

- 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 P2017/0340/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.

Background and Main Issues

2. 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.
3. 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

4. This part of Liverpool Road is especially busy as it is within a central shopping area with a tube station nearby. The proposed kiosk would be situated on the pavement outside a shopping centre with two supermarkets on the opposite side of the road. During my site visit, which took place at lunchtime, I noted that there were very high flows of pedestrians walking in both directions along Liverpool Road as well as entering and exiting the shopping centre. As people were also crossing the road to reach the supermarkets, there were a lot of conflicting pedestrian movements in the vicinity of the proposed kiosk.

5. The plans show that the width of the pavement would be 3.48 metres following installation of the kiosk. However, this includes paving within shopping centre which is not formally part of the pavement. If this area is discounted from the measurements, Transport for London (TFL) state that the pavement would be less than 3.3 metres wide and below the minimum recommended in the document Pedestrian Comfort Guidance for London 2010. TFL also express concern that the kiosk would not be set back from the kerb an appropriate distance to avoid conflict with cyclists.
6. In my view, the shopping centre paving does not form a useable part of the Liverpool Street pavement. Because some parts of the shopping centre building (Gap and Mr Pretzles) protrude beyond the bollards, pedestrians walking along Liverpool Street need to remain on the formal pavement rather than stepping onto the shopping centre paving. Furthermore, there is a flow of pedestrians coming out of the shopping centre which presents a further obstacle to people walking along Liverpool Street.
7. The appellant states that there would be an unobstructed pavement width of no less than 2 metres. However, even if this is the case, my assessment of the site leads me to conclude the kiosk would inhibit pedestrian movements along this part of the pavement by narrowing its width. Apart from causing inconvenience, it would increase the propensity for people to step out into the road to avoid the obstacle. This raises highway safety concerns, especially considering that the road is well used by cyclists, who are particularly vulnerable to pedestrians stepping into their path.
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. Although larger than a standard telephone box, the proposed kiosk would have a relatively simple, functional design. Considered in isolation, it would be in general keeping with a commercial area such as this. However, in this case, the kiosk would be situated on a particularly prominent part of the pavement. When approaching through the shopping centre, the kiosk would appear isolated and visually exposed against the open backdrop of Liverpool Road. This would draw attention to its appearance and detract from the open aspect of the street around the entrance of the shopping centre. Hence, the kiosk would appear as a discordant feature within its surroundings.
10. I therefore conclude on this issue that the siting and appearance of the 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. There would also be conflict with the Islington Streetbook Supplementary Planning Document 2012 (the SPD) which aims to reduce clutter, rationalise existing street furniture and otherwise improve the appearance of the street scene.

Other matters

11. 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

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

C Cresswell

INSPECTOR