

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/17/3172677

O/s Waitrose, Liverpool Road junc Chapel Market, Islington, London N1 9EN

- 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 P2017/0339/PRA, dated 25 January 2017, was refused by notice dated 14 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 Chapel Market/Penton Street Conservation Area (having particular regard to whether the proposal would preserve or enhance the character or appearance of the Conservation Area).

Reasons

Pavement and highway

5. The proposed kiosk would be situated on the pavement close to entrance of a Waitrose store and a zebra crossing. Pedestrian activity in this area is

especially high due to its central location close to a tube station, a shopping centre and a wide range of other large retailers.

6. Installation of the kiosk would require the removal of two bicycle stands. I note that the appellant has proposed relocating the stands closer to the zebra crossing. However, I agree with Transport for London (TFL) that this increases the prospect of potential conflicts between cyclists, pedestrians and drivers in a particularly busy part of the pavement where people are crossing the road. It is also unclear whether the relocated stands would require the existing litter bin and pole to be removed as there is limited space in this area.
7. During my site visit I noticed that there is a propensity for some people to cross the road as they approach the crossing, rather than staying within the marked out lines of the zebra. This is mainly due to the especially high volume of pedestrians in the area. The proposed kiosk would make this activity even more hazardous as it would reduce visibility of oncoming traffic from some parts of the pavement when approaching the crossing from the north. Furthermore, even though the pavement would remain relatively wide at this point, the reduction in width caused by the kiosk would potentially increase the likelihood of pedestrians stepping out into the road.
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 indicates that development should promote safe and convenient access for pedestrians, cyclists and public transport users.

Character and appearance

9. The site is within the Chapel Market/Penton Street Conservation Area, the significance of which lies mainly in the architectural quality of the built environment, including the street scene. Paragraph 132 of the National Planning Policy Framework (The Framework) states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. The Islington Streetbook Supplementary Planning Document 2012 (the SPD) aims to reduce clutter and rationalise existing street furniture wherever possible. This is also an objective of the Angel Town Centre Strategy 2004. Although the nearby bicycle racks and litter bin are not particularly prominent items of street furniture, there are two existing telephone boxes a short distance away to the north.
11. Viewed in isolation, the relatively simple design of the proposed kiosk would be acceptable in a commercial area such as this. However, in combination with the existing telephone boxes to the north, the proposed kiosk would incrementally add to visual clutter and undermine the quality of the street scene in this location. There is little evidence to suggest that attempts have been made to rationalise the street furniture as advocated within the SPD. In reaching this decision, I am mindful of the relatively exposed location of the proposed kiosk near a junction and the 'great weight' that is attributed to the protection of heritage assets within the Framework.

12. Whilst I have found that the proposal would cause harm to the appearance of the Conservation Area, I consider that the harm I have identified would be less than substantial (as defined in the Framework) and thus paragraph 134 advises that this harm should be weighed against any public benefits associated with the development. The 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. Although 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.
13. I therefore conclude on this issue that the siting and appearance of the proposed kiosk would harm the character and appearance of the Chapel Market/Penton Street Conservation Area. There would be conflict with Policy DM 2.1 of the Local Plan which requires appropriate standards of urban design. There would be further conflict with Policy DM 2.3 which aims to protect the appearance of Conservation Areas.

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