
Appeal Decision

Site visit made on 31 July 2017

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 August 2017

Appeal Ref: APP/R5510/W/17/3171787

Pavement outside 58a High Street, Uxbridge UB8 1GJ

- 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 Derek Parkin (Infocus Public Networks) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 72452/APP/2016/4552, dated 14 December 2016, was refused by notice dated 3 February 2017.
 - The development proposed is a public call box.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a public phone box at the Pavement outside 58a High Street, Uxbridge UB8 1GJ in accordance with the terms of the application Ref 72452/APP/2016/4552, dated 14 December 2016, and the plans submitted with it, subject to the following standard condition given in Schedule 2, Part 16 paragraph A.2:
 - Development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission is removed from the land, building or structure on which it is situated... as soon as reasonably practicable after it is no longer required for electronic communications purposes; and such land, building or structure is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

Background and Main Issues

2. The appeal concerns a proposed telecommunications development that was refused prior approval by the Council under the terms of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Within certain limits the GPDO grants permission for the development of telecommunications equipment subject to a prior approval procedure. The GPDO makes it clear that the relevant issues to consider when assessing applications of this type are their siting and appearance. As a consequence, I consider the main issues in this appeal to be firstly, whether the siting and appearance of the proposed telephone box would preserve the character and appearance of the Old Uxbridge-Windsor Street

Conservation Area; and secondly, the effects of its siting on the pedestrian environment.

Reasons

The Conservation Area

3. The appeal site is located in a town centre location, which due to the modern shop frontages and buildings within its immediate environs does not possess the historic character, architectural quality, or traditional street patterns of the wider Old Uxbridge- Windsor Street Conservation Area, and makes only the most marginal contribution to its significance. Within a broad area of pavement, not far from the junction of High Street and Belmont Road, the appeal site would be in an established zone within the middle of the pavement occupied by benches, litter bins, a cylindrical advertising display, phone kiosks, and a longish line of bicycle racks to which it would be immediately adjacent.
4. The proposed public call box is a steel-framed telephone kiosk which features extensive glazing. It would be open to the pavement, without a door, and would be level with the street affording good wheelchair access.
5. Taking the siting of the proposed call box first, it would be within an area with a considerable amount of street furniture, which lacks the more cohesive and less cluttered public realm of the pedestrianised area elsewhere along the High Street. Thus given this immediate context, and its close relationship to the existing bicycle parking, the siting of the proposed call box would be one that assimilated readily with the streetscene, and as a consequence would not read as an incongruous addition.
6. Whilst I note comments regarding the materials employed in the construction of the proposed call box, and their variance to the historic character of the Conservation Area, I consider that, given the much more modern immediate environs of the appeal site, both in terms of the shop fronts and building to its rear, and the surrounding street furniture, it would not look particularly out of kilter.
7. I note comments that vandalism and fly posting could cause incremental adverse effects to the character of the proposed phone box. However, the uncertainty of this combined with the potential to address these concerns with measures outside of planning control mean that these matters do not weigh heavily against the scheme in the overall balance. Moreover, I am cognisant that the open nature of the proposed call box, and its extensive glazing could deter anti-social behaviour to some degree. I also note concerns that the call box could be used to site advertising on its glazed elevations; however, such proposals are not before me in this appeal, as advertising on public telephone boxes is subject to distinct approval procedures.
8. I note comments regarding regeneration activity related to the public realm in the town, although I have been provided with little substantive detail in terms of the appeal site in particular. Although I am aware of ongoing efforts to increase planting in the town centre, particularly of trees, and a concomitant reduction of hard landscaping through the High Street, it is unclear whether the bicycle racks adjacent to the appeal site would be removed as part of these proposals, and as a result, the siting of a phone box close to them would be unlikely to constrain the potential for tree planting to any significant degree.

Whilst I note references to a 'RIBA stage 2' scheme regarding public realm improvements, I am also aware that this was not publically available at the date of the Officer Report, and has not been supplied to me as part of the Council's case.

9. Taking these matters together, I consider that the siting and appearance of the proposed telephone box would avoid undue visual harm to its surroundings. As a result, mindful of my duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I conclude that the character and appearance of the Conservation Area would be preserved. For these reasons too the proposed public call box would not conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One-Strategic Policies (adopted November 2012) (the Strategic Policies) or Policies BE4, BE13, BE26 or BE37 of the Hillingdon Unitary Development Plan (adopted 1998) (the UDP). Taken together, and amongst other things, these policies seek to ensure that new telecommunications installations maintain the quality of the built environment, and are sited and designed to minimise their effects on their surrounding areas, harmonise with the streetscene and preserve those features of conservation areas which contribute to their special architectural and visual qualities.

Pedestrian Environment

10. Pedestrian flows through the High Street were relatively busy at the time of my morning site visit, allowing for reasonable observations of pedestrian movement through the centre. I saw, due to the width of the pavement within which the appeal site is located, and the location of the existing bicycle racks and other street furniture, that the bulk of pedestrian movement was channelled along the perimeter of this established street furniture zone. In siting the proposed kiosk close to the existing bicycle racks, and outside of the areas where pedestrian flows predominate, the appeal scheme would avoid undue interference with movement through the area.
11. The proposed box would be close to the adjacent bicycle racks. However, adequate space would remain for the parking and removal of bicycles without causing undue inconvenience to the bicycle rack's users or to pedestrians and other footway users within its immediate environs.
12. For these reasons, the siting of the proposed kiosk would avoid causing undue inconvenience to pedestrians or other footway users, and thus would not cause adverse effects to the pedestrian environment. For these reasons, I conclude that the proposed public call box would not conflict with Policy AM7 of the UDP, insofar as it seeks to ensure that new developments do not prejudice the free flow of traffic or conditions of general highway or pedestrian safety.

Other Matter

13. I note comments questioning the need for a public call box in this vicinity given the redundancy of some older phone boxes more generally, and the increased use of mobile technology. However, in this regard I am mindful of paragraph 46 of the National Planning Policy Framework (the Framework) which establishes that applications for telecommunications equipment should be made on planning grounds, and that decision-takers should not "seek to prevent competition between different operators [or] question the need for the telecommunications system". Consequently, the necessity of the proposed call

box is not a determinative issue in my assessment of the planning merits of this appeal.

14. I note the suggested conditions supplied by the Council in respect of the appeal; however, these matters are covered by the standard conditions of the GPDO. Therefore it is both unnecessary, and outside the scope of the prior approval process regarding this class of development to attach the suggested conditions.

Conclusion

15. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR