
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/17/3171796

Pavement outside 204 High Street, Uxbridge UB8 1LB

- 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 72451/APP/2016/4551, dated 14 December 2016, was refused by notice dated 3 February 2017.
 - The development proposed is a public call box.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal follows the refusal of prior approval by the Council for a proposal covered by 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 the siting and appearance of the proposal. As a consequence, I consider the main issues in this appeal to be firstly, whether the siting and appearance of the proposed call 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 within the town centre, in part of it covered by the Old Uxbridge- Windsor Street Conservation Area. The traditional commercial buildings in the environs of the site, fronting a historic route through the area, combined with the spacious and leafy character of the streetscene contribute to the Conservation Area's character and appearance. Street furniture in the immediate surroundings of the site including short bollards, tall lamp-posts, a litter bin and signage related to the adjacent bus lane, have a restrained and coherent character. Street trees in the wider surroundings impart a verdant character enhancing the spaciousness and quality of the streetscene. To the

rear of the appeal site a restaurant has an external seating area across most of its frontage, which serves to narrow the effective width of the pavement to some degree, and has introduced hoardings and seating that, whilst of a low height, and orderly arrangement, nevertheless have increased the amount of clutter in the environs of the site.

4. The appeal scheme comprises 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. Whilst the proposed call box would be in the line of existing street furniture within its immediate environs, it would be of a scale and site coverage at variance to the generally lower rise and more slender items in its immediate environs. As a result, its siting would undermine the coherent appearance of the streetscene at this point. Moreover, through increasing clutter in the immediate environs of the outdoor seating area for the restaurant it would impart a cramped character to that part of the pavement, at variance with the more spacious appearance of its immediate surroundings. Taken together, these aspects of the appeal scheme would serve to diminish the character of the streetscene.
6. I note that the appellant considers that the design of the proposed call box is similar to that of a modern bus shelter. However, as this part of the pavement is free from such structures, this is not an aspect of its design that would serve to mitigate the harmful effects that I have described.
7. Consequently, the siting and appearance of the proposed call box would cause considerable harm to the character and appearance of the streetscene. Mindful of my duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I conclude that the proposed call box would thus fail to preserve the character and appearance of the Conservation Area.
8. For these reasons too, the proposed call box would conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One-Strategic Policies (adopted November 2012) (the Strategic Policies) and 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

9. At the time of my morning site visit, pedestrian flows through the area were relatively constant and allowed for observations of movement within the environs of the appeal site. Moreover, the appeal site is close to one of the entrances of a large shopping centre, including a variety of commercial uses, which clearly has the potential to attract a considerable amount of pedestrian footfall. There is a broad paved area immediately in front of the shopping centre. However, the pavement narrows considerably in the environs of the appeal site, and is further constrained by the adjacent restaurant seating.
10. Due to these factors the siting of the proposed call box would further reduce the effective width of the pavement in its immediate environs, on a footway

which, due to the adjacent uses is likely to give rise to a considerable flow of pedestrian and other pavement users. The pinch point created by the placement of the proposed call box would be detrimental to pedestrian movement within its environs, and could lead to pedestrians and other footway users spilling out onto the adjacent highway to navigate around it. For these reasons, the siting of the proposed call box would impair the convenience and safety of pedestrians and other footway users and would therefore cause a detrimental effect to the pedestrian environment. In arriving at this view, I am mindful of the appellant's comments with regard to the appeal site's compliance with Transport for London street furniture guidance; however, I have not been supplied with the relevant document referred to; and moreover, the site specific aspects I have outlined justify a departure from this guidance in this instance.

11. Whilst the siting of the proposed call box would not of itself lead to traffic generation, and thus would not conflict with Policy AM7 of the UDP, it would nevertheless, for the reasons given above, cause a detrimental effect to the pedestrian environment. This would weigh against the appeal scheme in the overall planning balance.

Other Matters

12. I readily accept that the proposed call box would facilitate access for wheelchair users due to its open-sided nature and that some of the more traditional kiosks in the environs of the appeal site would not facilitate this. Indeed in this regard the call box would meet Ofcom requirements. This would be a benefit of the proposed call box, that weighs in favour of its approval to a moderate degree; and in arriving at this view I am cognisant that the Public Sector Equality Duty (PSED) arising from the Equalities Act 2010 sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
13. Mindful of the PSED too, I note the appellant's comments that public call boxes are used by residents of urban locations, particularly members of minority ethnic groups and children accessing services such as Childline. I note too that free emergency services calls, operator services, and directory enquiries are available from phone boxes. I am mindful also of comments that minimum call costs from the proposed call box would be lower than those of adjacent boxes. Again these would be benefits of the proposal, but given the presence of extant facilities in the area that offer these services, and the lack of substantive evidence regarding comparative call costs, they weigh in its favour only to a modest degree.
14. The call box design is solar powered and employs mobile technology reducing the need for invasive work to the street surface or connections to public utilities. This is a matter that weighs in favour of the scheme, but only to a limited degree.
15. I note the appellant's comment that the design of the call box, its open nature and the extent of glazing employed could reduce the potential for anti-social behaviour in connection with it, including the placement of unauthorised advertisements. However, this is merely evidence of a potential lack of harm in these respects rather than a positive aspect of the scheme, and thus only has a neutral effect on the overall planning balance.

Conclusion

16. The National Planning Policy Framework (the Framework) establishes that great weight should be attached to the conservation of heritage assets in the consideration of the impacts of proposed developments on their significance. For the reasons given above, the siting and appearance of the proposed call box would fail to preserve the character and appearance of the Conservation Area, and would thus harm its significance. For the purposes of the Framework, whilst in the context of the Conservation Area taken as a whole this would clearly amount to less than substantial harm, it does not follow that less than substantial weight should be attached to this matter. Indeed the Framework establishes, at paragraph 134, that where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. In this case for the reasons set out above, the public benefits advanced in favour of the scheme, either individually or cumulatively, do not outweigh the great weight and importance I attach to the Conservation Area harm. As a consequence the proposed call box would clearly conflict with the Framework in this regard.
17. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR