
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/17/3171793

Pavement outside 174 High Street, Uxbridge UB8 1EF

- 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 72456/APP/2016/4556, 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, its effects on the pedestrian environment.

Reasons

The Conservation Area

3. The appeal site is situated on the periphery of a broad plaza, fronted by, amongst other buildings, Uxbridge's Underground Station and the Intu Shopping Centre. The plaza is predominantly open, separated from the adjacent service road by a line of bollards, and slender lamp-posts of a modern and elegant design with a few benches adjacent to them. Within the space itself a statue and the elegant totem signage for the underground are focal points, which punctuate the space. The appeal site, which is adjacent to one of the benches and a lamp-post on the periphery of the plaza is within the Old Uxbridge-Windsor Street Conservation Area. The historic buildings across the

service road from the site, several of which are listed, as well as the line of this road itself are features that contribute to the significance, character and appearance of the Conservation Area taken as a whole, the plaza allowing appreciation of these elements.

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. The consistent detailing and placement of street furniture in the immediate environs of the appeal site impart coherence to the streetscene, and the limited scale and mass of the items of street furniture on the periphery of the plaza enforce the sense of spaciousness of their surroundings. The appeal scheme would introduce an element within this space that due to its height and site coverage would appear as a more dominant structure, at variance with the prevailing pattern of street furniture, and would thus undermine the streetscene's coherence.
6. What is more, due to its scale, it would compete with the adjacent public art, and the London Underground signage elsewhere within its environs, and serve to undermine the prominence and positive visual effect of these elements on the streetscene. As a consequence, the proposed call box would read as an incongruous and discordant element, and thus cause considerable harm to the character of the adjacent streetscene.
7. I am mindful of the appellant's comments that the proposed call box is of a design that would resemble a modern bus shelter; however, given the nature of the space within which it would be situated, which is not adjacent to a bus route, this would not be an aspect of its design that would help it to assimilate with its surroundings.
8. The proposed call box would undermine the coherence of the streetscene close to a historic route through the Conservation Area, and inter-visible with listed buildings¹ that contribute strongly to the character, appearance and significance of the area. In so doing it would erode the setting of the listed buildings, causing some harm to their significance, and that of the wider Conservation Area.
9. Consequently, and mindful of the duties arising from sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the siting and appearance of the appeal scheme would therefore fail to preserve the setting of the adjacent listed buildings and the character and appearance of the Conservation Area.
10. 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.

¹ 25 to 27 High Street and 28 High Street Listed at Grade II

Pedestrian environment

11. The appeal site is on the periphery of a broad pedestrianised area and close to other elements of street furniture. Whilst adjacent to a service road, I saw that this is not open to traffic at all times, adding further capacity for pedestrian movement through the area. At the time of my morning site visit, the area had a relatively constant stream of pedestrians and other footway users in the vicinity of the appeal site, which allowed for good observation of flows along High Street adjacent to the site.
12. Whilst I note that the appeal site would be adjacent to an outdoor seating area, and other furniture, the width of the footway within its immediate environs would allow adequate space for pedestrians and other footway users to circulate around the area without undue inconvenience if a call box was placed there. For these reasons, I consider that the siting of the appeal scheme would not cause significant harm to the pedestrian environment, and would thus 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 Matters

13. 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 phone boxes 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 appeal scheme that weighs in its favour to a moderate degree; and in arriving at this view I am cognisant of the Public Sector Equality Duty (PSED) arising from the Equalities Act 2010, which 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.
14. Also mindful of the PSED, 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 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.
15. 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.
16. 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

17. The National Planning Policy Framework (the Framework) establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's significance. The appeal scheme would cause harm to the significance of the Conservation Area, and the setting of the adjacent listed buildings.
18. In both cases the level of harm caused to the significance of the assets taken as a whole would be clearly less than substantial. However, this does not mean that less than substantial weight should be attached to these harms in the overall planning balance; and the Framework makes it clear at paragraph 133 that the harm should be weighed against the public benefits of the proposal.
19. For the reasons given above, the various public benefits advanced in favour of the appeal scheme do not cumulatively or individually outweigh the great weight and importance that I attach to the harms to the significance of the Conservation Area and of the listed buildings. As a result, the appeal scheme would clearly conflict with the Framework in this regard.
20. Moreover, these harmful effects of proposed call box's siting and appearance would clearly outweigh the lack of harm its siting would cause to the pedestrian environment.
21. Therefore, 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