
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/17/3171804

Pavement outside 152 High Street, Uxbridge UB8 1JY

- 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 72454/APP/2016/4554, 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 dismissed.

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, the effects of the proposed call box's siting and appearance on the character and appearance of the streetscene, including the adjacent Old Uxbridge-Windsor Street Conservation Area; and secondly, the effects of its siting on the pedestrian environment.

Reasons

Character and appearance

3. The appeal site is located in a pedestrianised area of Uxbridge's town centre. Whilst the site is outside, but on the fringe of Old Uxbridge-Windsor Street Conservation Area, it is located in an area with modern shop fronts and buildings. Street furniture within the appeal site's immediate environs is also of a modern style, although of a coherent design and siting adding a sense of order to the streetscene. Slim and elegant lamp-posts with floral baskets at the time of my site visit, and adjacent street trees impart a pleasant verdant character. A fruit and vegetable stall occupied the central area of the

- pavement immediately adjacent to the appeal site at the time of my site visit, adding a sense of vibrancy to this immediate area.
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 siting of the proposed call box would be on the very periphery of the part of the pedestrianised area within which permanent street furniture is located, and as a consequence would undermine the coherence and regularity of the streetscene at this point. Moreover, it would introduce an element with a relatively large site coverage, which whilst containing extensive glazing, would be nonetheless at variance with the slimness of the lamp-posts within its immediate environment, and the lower scale of the inter-visible bins and benches.
 6. Taken together, these aspects of the proposed call box would result in a visually jarring proposal harmful to the character and appearance of its surroundings. In arriving at this view I am mindful of the appellant's comments that the proposed call box would resemble a modern bus shelter; however, given the pedestrianised area in which it would be situated this would not serve to mitigate its discordant relationship to the existing streetscene.
 7. The appeal site is on the fringes of the Conservation Area. However, the appeal site's immediate surroundings in terms of built form, street surfacing and furniture are modern in character, and lack the qualities and characteristics that contribute to the Conservation Area's significance. These matters combined with its physical separation from the Conservation Area lead me to the view that the proposal would avoid a harmful impact on the Conservation Area. Nevertheless this is merely evidence of an absence of harm in this regard, and in the overall planning balance this would be outweighed by the harm the proposed call box would cause to the character and appearance of the streetscene.
 8. For these reasons, I find that the siting and appearance of the proposed call box would cause harm to the character and appearance of the streetscene. As a result it would conflict with Policy BE1 of the Hillingdon Local Plan: Part One-Strategic Policies (adopted November 2012) (the Strategic Policies); and Policies BE13, BE26 or BE37 of the Hillingdon Unitary Development Plan (adopted 1998) (the UDP). Insofar as these policies are relevant they seek to ensure that that new telecommunications installations maintain the quality of the built environment, are sited and designed to minimise their effects on their surrounding areas and harmonise with the streetscene. However, as I have found that the proposed call box would avoid harm to the character and appearance of the Conservation Area, there would be no conflicts with Policy HE1 of the Strategic Policies, or BE4 of the UDP insofar as they seek to preserve those features of conservation areas which contribute to their special architectural and visual qualities.

Pedestrian Environment

9. The appeal site would be in a pedestrianised area with very broad areas of pavement on either side of it. At the time of my morning site visit movement through the area was reasonably busy allowing for good observations of the movements of pedestrians and other footway users. I saw that generous space

around the periphery of the appeal site was available to accommodate comfortably flows through the area within its environs.

10. As a consequence, I find that the proposed call box would not impede pedestrian movement through the area to any material degree. As a result, I can find no harmful effects to the pedestrian environment arising from the proposal's siting. For these reasons too the proposed 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 Matters

11. 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 immediate 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 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.
12. Mindful of the PSED also, 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.
13. 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.
14. 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.
15. As a consequence, none of these other matters, taken individually or cumulatively outweigh my findings in respect of the considerable harm the siting and appearance of the proposed call box would cause to the character and appearance of its surroundings.

Conclusion

16. Whilst the siting of the proposed call box would avoid significant harm to the pedestrian environment, its incongruous siting, and detailing at variance with

the more coherent street furniture of its immediate surroundings would cause considerable harm to the character and appearance of the streetscene. In the overall planning balance, the harm caused in this latter respect would outweigh the lack of harm caused to the pedestrian environment.

17. Accordingly, for the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR