
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/17/3171792

Pavement outside 53 High Street, Uxbridge UB8 1JP

- 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 72450/APP/2016/4550, 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.

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 proposals 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. Situated within the town centre, the appeal site would be sited on the periphery of the central element of a pedestrianised area, demarcated by differing pavement surfacing. Within this central area street furniture, of a coherent design and regularity of placement is located, including slender lamp-posts, benches, and litter bins. Street trees within this zone, and the hanging baskets on the area's lampposts impart a verdant character to this part of the street. Two other call boxes, of a more traditional design, and located centrally but at the edge of this zone are inter-visible with the site. The predominantly

- modern character of the appeal site's surrounding buildings and streetscape create a clearly different context to that of the adjacent Conservation 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. With the exception of the existing call boxes inter-visible with the appeal site the street scene has a coherent and ordered appearance at this point. In introducing a structure of a relatively large scale close to the periphery of the central zone of the street, and proximate to other items of street furniture, it would create a sense of cramped congestion, undermining the otherwise orderly arrangement of its immediate environs. Taken together with the existing call boxes that it would be inter-visible with this siting would thus impart a cluttered character to its immediate environs to the detriment of the streetscene's character and appearance.
 6. I note that the appellant considers that the design of the proposed call box would be similar to that of a modern bus shelter. However, as the appeal site is within a pedestrianised area, this aspect of the appeal scheme would not serve to mitigate the harmful effects caused by the proposed call box, or help it to assimilate with the surrounding streetscene.
 7. Consequently, taking these matters together, I consider that the siting and appearance of the proposed call box would cause considerable harm to the character and appearance of the streetscene.
 8. I note that the appeal site sits on the fringes of the Conservation Area; however, due to the modernity of its surroundings, both in terms of the buildings, street surfaces and furniture, it is a visually distinct area. As a result, I consider that the proposed call box would avoid adverse impacts to the Conservation Area's character or appearance.
 9. However, the lack of harm in this respect would be outweighed, in the overall planning balance, by the considerable harm to the proposed call box would cause to the character and appearance of the streetscene. In this latter regard the proposal would clearly conflict with Policies 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.
 10. 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

11. I saw in the immediate environs of the appeal site that the pavement was wide. This combined with the pedestrianised nature of the street at this point, and the appeal site's positioning in an area of the pavement with established elements of street furniture means that the siting of the proposed call box would not constrain unduly the convenient movement of pedestrians or other footway users within its environs.
12. For these reasons, I consider that the proposed call box would cause no unduly detrimental effects to the pedestrian environment, and would not conflict with Policy AM7 of the UDP insofar as it seeks to ensure that new developments do not prejudice 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 immediate environs of the appeal site would not facilitate this. Indeed in this regard the phone box would meet Ofcom requirements. In this respect I am also mindful of the Public Sector Equality Duty (the PSED) arising from the Equalities Act 2010, which establishes 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. Consequently, the benefits of the scheme in this regard weigh in its favour to a moderate degree.
14. Mindful of the PSED too, I note the appellant's comments that public call boxes are used by residents in 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 call 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 proposed call box, due to its open nature, and use of extensive glazing could reduce the potential for anti-social behaviour in association with it, and would deter the placement of unauthorised advertisements. However, this is merely evidence of a potential lack of harm in these regards rather than a positive aspect of the scheme and thus only has a neutral effect on the overall planning balance.
17. 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

18. In the overall planning balance, the lack of harm that the siting of the proposed call box would cause to the pedestrian environment is outweighed by the considerable harm it would cause to the character and appearance of its surroundings. 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