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# 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**

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**Appeal Ref: APP/R5510/W/17/3171813**

**Pavement outside 148 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 Ltd) against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 72448/APP/2016/4548, 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 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. Situated in the pedestrianised part of Uxbridge's Town Centre, but not far from the point where High Street is open to traffic, the appeal site is flanked by modern shop fronts and buildings. These surroundings, combined with the contemporary character of the inter-visible street furniture, and the modern street surfacing, impart a clearly different character to this part of the Town Centre than to that of the adjacent Conservation Area. The appeal site would be on the very edge of a central zone of a broad paved area that includes street furniture of coherent design and ordered siting, including the elegant

lamp-posts, adorned with hanging baskets at the time of my visit. Street trees, immediately adjacent to the appeal site, and elsewhere in the immediately inter-visible environs impart a verdant character to this part of the streetscene.

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 appeal site sits at a point where a markedly more ordered streetscene in the pedestrianised part of High Street starts to converge with the more cluttered environment of the narrower pavement adjacent to the part of High Street open to vehicular traffic. Thus the siting of the call box in this location would begin to erode the distinction between these visually diverse areas. Moreover, in locating the proposed call box on the very periphery of the part of the pavement wherein most street furniture would be located, its siting would be harmfully disjointed and constitute a visually disruptive element in the context of the prevailing more ordered arrangement of street furniture. The incongruity of its siting would be exacerbated by its framing in approaches from the part of High Street open to vehicular traffic between a lamp-post, tree and slender directional sign, reducing the sense of spaciousness, and reading as a visually jarring element in contrast to these more coherent elements of the streetscene.
6. I note that the appellant considers that the proposed design would resemble a bus shelter, however, given the pedestrianised nature of the appeal site's immediate environs this aspect of its design would do little to soften the harmful effects of its placement. Moreover, whilst I note the extent of glazing employed in the structure, due to its scale, and variance to the more ordered and elegant lamp-posts immediately inter-visible with it, it would appear as an incongruous element within the 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, 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. Nevertheless the lack of harm in this regard is demonstrably 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 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*

10. The appeal site would lie close to the point where the broad pedestrianised area of the streetscene leads to the narrower footway adjacent to the part of High Street open to vehicular traffic. During my morning site visit pedestrian flows through the area were reasonably constant allowing for observation of movement patterns. I saw that there was a strong desire line directly across the appeal site created by the narrowing of the footway adjacent to the highway and the location of existing street furniture, trees and signage creating a pinch point, through which pedestrian flows predominantly moved. Indeed, at my site visit I saw a considerable amount of pedestrians travelling directly across the appeal site in both directions. The appeal scheme would introduce a relatively large structure within this desire line, and thus in a location which would impede the convenient flow of pedestrians and other footway users through the High Street to the detriment of the pedestrian environment.
11. I readily accept that the pavement in the environs of the appeal site is wide, and would meet relevant Transport for London guidelines in respect of footway widths required for locating street furniture. However, the site specific circumstances in this instance indicate that the appeal scheme would constitute an impediment to convenient pedestrian movement through the High Street.
12. The proposed call box would avoid highway safety impacts, and would not cause significant harm to pedestrian safety, and thus would not conflict with Policy AM7 of the UDP insofar as it seeks to ensure that developments do not prejudice conditions of general highway or pedestrian safety. Nevertheless in reducing the convenient movement of pedestrians and other footway users through this part of the town centre, the proposed call box would have a detrimental effect on the pedestrian environment, and this would weigh against its approval in the overall planning balance.

### **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 call boxes in the immediate environs of the appeal site would not facilitate this. Indeed in this regard the call box would meet Ofcom requirements. Moreover, in this regard I am mindful of the Public Sector Equality Duty (the 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. Accordingly, this would be a benefit of the proposed call box that would attract moderate weight in its favour.
14. Further 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 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

existing and permitted extant facilities in the area that offer these services, and the lack of substantive evidence regarding relative call charges, 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, its open nature and the extent of glazing employed within it 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 has only 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, and the detrimental impact of its siting on the pedestrian environment.

### **Conclusion**

18. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*G J Fort*

INSPECTOR