
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/17/3171815

Pavement in front of 49 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 Ltd) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 72453/APP/2016/4553, 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 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 within the pedestrianised area of High Street, close to the point where it becomes open to traffic, and in a town centre location. The pavement is wide and relatively open. Street furniture in the environs of the appeal site is of a relatively discreet scale, and includes small, apparently concrete spheres, arranged in a circular pattern, which is reinforced by the underlying pattern of the street surfacing. A litter bin, slender lampposts and a small signage board are the other elements close to the appeal site. The predominantly clutter free and ordered streetscene at this point creates a pleasant open setting for the adjacent Grade II* Listed Market House, and the

- wider Conservation Area, and in doing so contributes positively to its character and appearance.
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. The proposed call box would be located outside of the line of the adjacent spheres, and this placement, combined with its scale and site coverage would make it read as a dominant and incongruous element in the streetscene. Furthermore the appeal scheme's out of kilter siting would undermine the orderliness of the streetscene at this point, and as a result the proposed call box would impart an unwelcome cluttered appearance to its immediate surroundings. Consequently, the proposed call box would undermine the streetscene's coherence and spaciousness to the detriment of its character and appearance and this would erode its contribution to the setting of the Market House and to the significance of the Conservation Area more widely.
 6. I note that the appellant considers that the design of the proposed call box echoes that of modern bus shelters. However, as this is a pedestrianised area, with no other bus shelters present this is not an aspect of the appeal scheme that helps to mitigate the harmful effects it would cause.
 7. 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 proposed call box would fail to preserve the setting of the listed building, and would also fail to preserve the character and appearance of the Conservation Area.
 8. For these reasons also, 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 and 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. The pavement in the environs of the appeal site is broad, with relatively few obstacles to pedestrian movement. Moreover, due to its pedestrianised nature it offers ample opportunities for movement throughout the space for pedestrians and other footway users. As a consequence, I consider that the siting of the proposed call box would not inhibit the flow of pedestrians or other footway users within its immediate environs and would thus not cause any undue inconvenience in these regards.
10. I am mindful of the Council's comments regarding the ability of servicing vehicles to access the area and adjacent properties. However, given the width of the pavement in this area, and the existing spacing between items of street furniture in the environs of the appeal site, I consider that the proposed call

box would not unduly impair the ability of service vehicles to access the area and surrounding properties.

11. Consequently, the proposed call box would cause no significantly detrimental effects to the pedestrian environment; and it would therefore not conflict with Policy AM7 of the UDP insofar as it seeks to ensure that new developments avoid traffic generation likely to prejudice conditions of general highway or pedestrian safety.

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 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.
13. 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.
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 given 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 the setting of the Market House and would thus harm their significance. For the purposes of the Framework, whilst in the context of the Conservation Area and Market House taken as a whole this would clearly

amount to less than substantial harm, this does not indicate 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 and listed building harms. As a consequence, the proposed call box would clearly conflict with the Framework in this regard.

17. In the overall planning balance, the harm to the character and appearance of the Conservation Area would also outweigh the lack of harm the appeal scheme would cause to the pedestrian environment. Accordingly, for the reasons given above, and taking into account all other matters raised, the appeal should be dismissed.

G J Fort

INSPECTOR